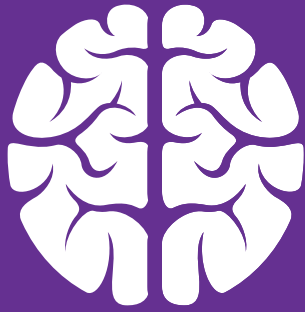


Patient Advocate Foundation Presents

A series to educate and empower



It Matters

Empowerment Pathways



Family Medical Leave: What You Need to Know

If you experience frequent or chronic migraines, your need to manage your often debilitating symptoms may impact your ability to work. If this situation applies to you, it is important to know that the Family and Medical Leave Act (FMLA) gives you certain workplace protections and helps preserve your income.

WHAT EXACTLY IS FMLA?

The FMLA is a federal law passed in 1993 which allows workers with a “serious health condition” to take up to 12 weeks of leave away from work without the threat of losing their job. Leave can be taken in one block, by working a reduced schedule, or taken periodically, allowing you to return to work in between. Under the law, immediate family members acting as primary caretakers can also take 12 weeks of leave from their workplace.

DOES FMLA APPLY TO ME?

The law does not apply to everyone. To qualify, you must have worked at least 12 months or 1,250 hours for a company that has at least 50 employees within 75 miles. Small employers with less than 50 employees are not required to provide FMLA protections. However, all federal, state, and local agencies are covered, regardless of the number of employees.

DO I STILL GET PAID WHILE UNDER FMLA?

FMLA leave allows the absence from work but does not require your employer to pay you during your time away. However, many companies will allow you to use any paid vacation or sick days you have saved before your absence to cover your FMLA leave. As well, you may be able to utilize any short term disability policies you have during this time. Check with your employer’s Human Resources department for more information.

WHAT DOES IT PROTECT EXACTLY? WHAT IF I HAVE SICK LEAVE?

If you apply for and utilize FMLA leave, your employer cannot fire or discipline you related to the missed time away from your work related to your condition. When using FMLA leave, you still must follow the procedure or notification rules your employer has and submit documentation as you normally would. To ensure your employer can function during your absence, they are allowed to designate your responsibilities to others or hire to fulfill your duties during the absence.

WHAT IS MY DOCTOR'S ROLE?

If you and your doctor decide that your attendance at work will be affected (or if a family member needs leave to care for you), your doctor will need to complete forms documenting it. At a minimum, official records—which must come from your doctor—will include the date the health condition began, how long it is expected to last, and appropriate medical facts about the serious nature of the diagnosis. If you do not provide information as requested according to deadlines, your employer has the right to deny your FMLA request, leaving your job vulnerable.

WHAT HAPPENS WHEN I RETURN TO WORK?

The company must allow you to maintain employment at the same rate and equal position you had before you left, but when you return you may be offered an equivalent position if your job does not exist in the same manner as before. If you are out of work beyond the 12 weeks provided by FMLA, your employer may resume their normal disciplinary actions for absences or terminate the position as they desire. Additionally, if your employer has multiple worksites, you are not guaranteed to return to the one you were working at before your leave. However, your employer must ensure your new worksite is a reasonable distance from where you live.

DO I KEEP MY HEALTH INSURANCE?

Yes. Your employer must continue your insurance coverage as if you were working, but you are responsible for your share of the premium or your coverage could be canceled. If your paycheck has stopped during this time, you will have to pay your employer directly for the monthly premium.

Studies show that people who return to work following a medical leave are more positive about their recovery and ability to manage their condition successfully.

Learn more at patientadvocate.org

