

Family and Medical Leave: What You Need to Know

The Family and Medical Leave Act (FMLA) allows certain workers at companies with 50 or more employees to take unpaid leave for either 12 or 26 work weeks during a year, depending on their circumstances. While on FMLA leave, workers' jobs are protected, and their group health insurance coverage is continued.

Certain life events, including new births and adoptions, caring for family members with serious health conditions, and an employee's own serious health condition, may qualify a worker for eligibility for FMLA.

Get Informed

Because the law itself can be confusing—and because leave laws exist on the federal, state, and sometimes even local level—Renée Cajigal-Delgado, Senior Human Resources Specialist at the Church Pension Group, recommends that religious organizations consult with legal counsel if leaders have any questions or concerns about procedures and provisions of the act.

Religious organizations can also find information and resources on the **Department of Labor** website at both the federal and state level. “If the organization is located in a densely populated area, there is also likely to be a website that specifically addresses local laws,” Renée says. And, if the organization has an employee who functions in a human resources role, she suggests that individual join the **Society for Human Resources Management**, which has many resources for members on its website.

“If you aren't well informed about the leave and the criteria required to offer it, you won't know if you're out of compliance,” Renée says. Even if a religious organization has slightly fewer than 50 employees, she says it's a good idea to get ahead of the situation and learn about FMLA. “Sometimes employers will be blindsided because they'll go from 48 to 50 employees and have to deal with a huge learning curve.”

Be Consistent

Renée urges religious organizations to be consistent in their approach to administering leave. “Follow the medical certification requirements,” she says.

She understands that many organizations want to trust their employees, but stresses that setting up a well-defined procedure that includes asking for medical certification protects both employers and employees. “It helps employers to treat everyone equally.”

And when an employee is ready to return to work, Renée says that organizations should follow fitness-for-duty procedures. “It's the easiest way to find out if there are restrictions to duty in the employee's return to work,” she says. “Then, the employer knows whether accommodation is required, in the short or long term.”

While the majority of employees would never take advantage of their employers, it's best to follow the same procedures with everyone in order to minimize confusion and comply with FMLA.

Be Transparent

Follow legal requirements for posting details, and put information about FMLA in the employee handbook, Renée suggests. And if a supervisor learns of an employee's qualifying event, that person (or someone in human resources) should guide the employee through the process of applying for leave.

She says, "Sometimes employees are hesitant to take leave because they're afraid it could jeopardize their employment or create an issue. An employee's responsibilities are temporarily handled by someone else when they go on leave. [Generally speaking,] the law requires that they be restored."

Renée adds, "[In my position,] I explain what they're eligible for and how it all works, which allows employees to make a determination as to whether they'll apply for the leave."

Renée counsels that employers not required to provide leave under FMLA make employees aware of that. "You never want to have situations where employees feel that information has been withheld from them intentionally. Communicate benefits clearly so there isn't a misunderstanding down the line."

"Life is complicated"

People are sometimes in situations where they're caring for both their children and their parents, while all able adults in the household are also working outside the home. "Life is much more complicated now, and the workplace has become more demanding than it was many years ago. It makes sense to provide a structure and give people flexibility," Renée says. FMLA was designed to help people to take care of pressing issues without fearing loss of employment.