

Family Medical Leave Act: An Introduction

The following document was prepared by the Myasthenia Gravis Association.

When you or a loved one is experiencing a myasthenic crisis or extreme fatigue and weakness due to MG that requires you to take time off from work, the stress from worrying about keeping your job may add to an already difficult situation. However, the Family and Medical Leave Act (FMLA) may be able to help if you are a covered employee. Whether you are unable to work because you have MG, or because you need to care for your parent, spouse or child with MG, the FMLA provides unpaid, job-protected leave. This leave may be taken all at once, or may be taken intermittently as your MG requires.

Who can use FMLA?

In order to take FMLA leave, you must first work for a covered employer. Generally, private employers with at least 50 employees are covered by the law. Private employers with fewer than 50 employees are not covered by the FMLA, but may be covered by state family and medical leave laws. Government agencies (including local, state and federal employers), and elementary and secondary schools are covered by the FMLA, regardless of the number of employees. If you work for a covered employer, you need to meet additional criteria to be eligible to take FMLA leave. Not everyone who works for a covered employer is eligible.

- you must have worked for your employer for at least 12 months.
- you must have worked for the employer for at least 1,250 hours in the 12 months before you take leave.
- you must work at a location where the employer has at least 50 employees within 75 miles of your worksite. So even if your employer has more than 50 employees, if they are spread out and there are not 50 employees within 75 miles of where you work, you will not be eligible to take FMLA leave.

What can FMLA do for me?

If MG causes you to miss work, or you need time to care for a family member with MG, you may be able to take up to 12 weeks per year of job-protected time off under the FMLA. During this time your employer must continue your health insurance (you may be required



to continue to make any normal employee contributions). You must also be returned to the same job (or one nearly identical to it) once you return, before exhausting FMLA leave. This protection will lessen the stress that you may have when feeling forced to choose between work and dealing with a serious medical situation. This time off under the FMLA may not be held against you in employment actions such as hiring, promotions or discipline.

You can take FMLA leave as either a single block of time (for example, three weeks of leave for surgery and recovery) or in multiple, smaller blocks of time if medically necessary (for example, occasional absences due to MG crisis). You can also take leave on a part-time basis if medically necessary (for example, if after surgery you are able to return to work only four hours a day or three days a week for a period of time). If you need multiple periods of leave for planned medical treatment such as physical therapy appointments, you must try to schedule the treatment at a time that minimizes the disruption to your employer.

Ongoing communication between you and your employer will make the FMLA process run much more smoothly and each of you must follow guidelines about notifying the other when FMLA leave is being used. Please contact the MGA office at (816) 256-4100 for more information on FMLA or visit www.dol.gov/whd/fmla/employeeeguide.pdf for the full Employees Guide to FMLA.