



FMLA WORKSHOP

KNOW YOUR RIGHTS UNDER
THE FMLA

PRESENTED BY THE
TDU WOMEN'S CAUCUS



FMLA Agenda

1 Importance of FMLA

2 FMLA Quiz- how much do you know?

3 FMLA Basics: covered employers, eligibility, qualified conditions, Enforcement

4 Q&A



FMLA Quiz #1

Mary was sick with a bad cold. She stayed in bed on Saturday and Sunday and felt too sick to go to work on Monday and Tuesday. On Monday she called her health care provider (a nurse practitioner) who prescribed a five-day course of antibiotics. Mary returned to work on Wednesday.

Does her two-day absence from work qualify for FMLA?



FMLA Quiz #2

John gets migraine headaches. They often require him to lie still in a dark room for a few hours. On Wednesday, he had to leave work to go home and lie quietly with a mask over his eyes to block out the light. The next day he felt okay and returned to work.

Does John's half-day absence on Wednesday qualify for FMLA?



FMLA Quiz #3

Maria works for a chain drugstore. The chain has six stores in New Jersey where she works. There are 27 employees in her store. The next closest store is 100 miles away and has 25 employees.

Are Maria and her co-workers eligible for FMLA?



FMLA Quiz #4

Debra was approved for intermittent FMLA leave in February when she was off the job for two days due to her chronic condition. At the time of this first absence, she had worked for the employer more than 1250 hours during the prior year. In March Debra was off the job again because of her chronic condition. The employer calculated Debra's hours worked over the prior 12 months and determined that Debra no longer had 1250 hours and denied Debra's FMLA request. Is that correct?



FMLA Quiz Answers

#1- YES

Mary's illness qualifies as a serious health condition under the FMLA because she was incapacitated for more than three consecutive days. Her period of incapacity does not need to be all work days. She had a tele-med appointment with her health care provider (a nurse practitioner qualifies) and had a continuing course of treatment because she was prescribed antibiotics. This fact pattern qualifies for FMLA protection.



FMLA Quiz Answers

#2- YES

John's partial day absence for a migraine headache qualifies for FMLA if he is being treated by a health care provider (HCP) for this condition. John will have to "see" his HCP at least twice a year to qualify. He would qualify even if this is the first absence, however, he will need to get an FMLA Certification form filled out by his HCP stating that he has a chronic condition for which he is being treated by the HCP.

The HCP will also have to state the expected frequency of absences related to John's chronic condition. It is best that the HCP give a range, such as 3-5 times a month, rather than a specific number of expected absences. John will not have to get another certification for additional absences as long as they are within the range noted by the HCP. The employer can ask for another certification in six months.



FMLA Quiz Answers

#3- NO

Maria and her co-workers are not eligible for FMLA because their employer has less than 50 workers within a 75 mile radius.

#4- Denial is incorrect

The employer's denial of FMLA for Debra was incorrect. Once a worker is approved for FMLA, that approval lasts for 12 months even if the employee drops below 1250 hours during the 12 month period. The employer should not have done another calculation.





SAVE THE DATE

2022 TDU Convention

October 28-30

JOIN TDU TODAY
tdu.org/memberships





SUPPORT TDU SISTERS SCHOLARSHIP FUND

**HELP A LOW-INCOME SISTER GET TO
THE TDU CONVENTION IN CHICAGO**



