

YABLONSKI, COSTELLO, & LECKIE PC

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FMLA: Yes and No

Questions	Yes	No
Does FMLA guarantee paid time off?		✓
Do the 12 months of service required for FMLA eligibility have to be continuous or consecutive?		✓
Do the 1,250 hours of service required for FMLA eligibility include paid leave time or other absences from work?		✓
Is an employer entitled to medical records if the FMLA leave is due to a serious health condition?		✓
Can an employee be fired for complaining about a violation of FMLA?		✓
Can an employer refuse to grant FMLA leave if the employee has met all of the conditions to qualify for leave?		✓
Can an employer force an employee to return to work by offering a modified duty position that accommodates the serious health condition?		✓
Will taking FMLA leave affect the employee's seniority status?		✓
Does FMLA provide for an employee to continue to earn seniority during the time the employee is on FMLA leave?		✓
Can FMLA leave be taken intermittently if a doctor certifies that it is medically necessary?	✓	
Can Workers' Compensation leave count against FMLA leave entitlement?	✓	
Can leave taken due to pregnancy complications count against the 12 weeks of FMLA leave available for the birth and care of a newborn child?	✓	
Can maternity leave or pregnancy disability leave count as FMLA leave?	✓	
Are both parents permitted to take leave to care for a new child?	✓	
Can FMLA leave be used for visits to a therapist if a doctor prescribes the therapy?	✓	
Can an employer request a medical certification from a healthcare provider if the FMLA leave is due to a serious health condition?	✓	
Can an employer require an employee on FMLA leave to make periodic reports to the employer about their status and intent to return to work?	✓	
Can an employee sue an employer in court if the employer violates FMLA rights?	✓	
If a Collective Bargaining Agreement (CBA) provides more medical leave than the 12 weeks available under FMLA is the employer obligated to follow the CBA and provide the additional leave?	✓	

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