



Mesmer Law Offices, P.A.  
41 Brook Street, Manchester, NH 03104



## *“Tip of the Month”*

### **Family Medical Leave Act**

The Family Medical Leave Act was enacted in 1993 to balance the demands of the workplace with the needs of families. It provides eligible employees with a total of 12 workweeks of leave during any 12 month period for the following reasons:

- 1) Birth of a child of the employee;
- 2) Placement of a child with the employee for adoption or foster care;
- 3) To care for the spouse, child or parent of the employee if they have a serious health condition; and
- 4) Because of a serious health condition that makes the employee unable to perform the functions of his or her position.

A serious health condition includes illness, injury, impairment, or physical or mental condition that involves either in-patient care in a hospital, hospice, or residential care facility or continuing treatment by a health care provider. The employer may require certification of the reason for the leave by the health care provider and this leave does not have to be paid.

Eligible employees are employees who have been employed for at least 12 months by the employer and who actually worked 1,250 hours for the employer during the previous 12 months. Notable exclusions to this Act include federal officers and employees and any employer who employs less than 50 employees within 75 miles of the employee's worksite. Rules for local educational agencies are different. Any employer that qualifies under this Act must post in a conspicuous place a notice prepared or approved by the Secretary that includes the pertinent provisions or summaries of this Act.

The employer may require the employee to use up any accrued paid leave (e.g. vacation, sick leave or personal leave) before switching to the provisions of FMLA leave. Upon return from leave, the employee must be restored to his or her former position or to an equivalent position unless they are a salaried employee who is among the highest paid 10% of employees employed by the employer within a 75 mile radius of the employee's worksite. All health benefits are maintained for the duration of the leave and this leave may not affect other benefits for which the employee is eligible.

If required, we can provide you with the necessary review and recommendations. You can call us at 668-1971 or contact us through the Internet at *Meslaw @ aol.com*.

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Frank B. Mesmer, Jr., Esq.  
Robert R. Deleault, Esq.  
Brian C. Dauphin

(603) 668-1971  
Fax (603) 622-1445  
Internet: [Meslaw@aol.com](mailto:Meslaw@aol.com)