Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is not an inquiry through the EEOC’s public portal:

Employers of “tipped employees” who meet certain conditions may claim a tip credit against their minimum wage obligation. If an employee’s tips exceed 20% of total wages,

info@eeoc.gov

The family members of employees also have the right to take FMLA leave. This includes the employee’s children, parents, and their spouses.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. In this case, the employee’s FMLA leave would run concurrently with any paid leave accumulated during the leave period.

Employees have the right to receive wage and hour statements under the Fair Labor Standards Act (FLSA). These statements must include the number of hours worked, pay rate, total earnings, and other relevant information.

Employees have the right to file a complaint with the EEOC. If the complaint is filed within 180 days of the alleged discriminatory act, the EEOC has 180 days to investigate the complaint.

ELIGIBILITY REQUIREMENTS

Employees are entitled to use FMLA leave if they:

- Have been employed for at least 12 months;
- Have worked at least 1250 hours during the previous 12-month period;
- Are employed by a company with 50 or more employees within a 75-mile radius;
- Have at least 50 employees within 75 miles of the employee’s workplace.

The “leave” period under FMLA is 12 months. This includes any time taken off work for any reason, including medical reasons. The leave period is non-continuous and can be taken in increments of at least one day.

Employees are entitled to job protection upon return from FMLA leave. An employer cannot retaliate against an employee who takes FMLA leave. This includes firing, refusing to rehire, or discharging an employee who has taken FMLA leave.

What can You Do if You Believe Your Rights Have Been Violated?

Employees can file a complaint with the EEOC if they believe their rights have been violated. To file a complaint, employees must file it within 180 days of the alleged discriminatory act. The EEOC will then investigate the complaint and, if it finds reasonable cause, will issue a notice of proposed finding.

What Employment Practices can be-Challenged as Discriminatory?

The following employment practices can be challenged as discriminatory under the laws enforced by the EEOC:

- Action against a person because of their race, color, religion, sex, national origin, age, or disability;
- Action because of familial or parental status;
- Failure to make reasonable accommodations for a known disability or known handicap;
- Failure to reasonably accommodate a known religious practice or belief;
- Failure to promote or advance an individual with a known disability or known handicap;
- Failure to hire or fire because of a known disability or known handicap;
- Failure to take reasonable steps to prevent discrimination in the workplace;
- Failure to provide a Florida View of My Rights under the ADA that is accessible to the fullest extent possible;
- Failure to provide reasonable accommodations in employment decisions;
- Failure to provide reasonable accommodations in ADAS.

The EEOC enforces the laws against employment discrimination under the FMLA. The EEOC investigates complaints of discrimination and, if it finds reasonable cause, issues a notice of proposed finding. The EEOC can take a number of actions, including:

- Referring the case to the appropriate agency for enforcement;
- Initiating mediation or conciliation;
- Issuing a complaint;
- Issuing a subpoena;
- Issuing a court order;
- Issuing a monetary award.

What is FMLA?

The Family and Medical Leave Act (FMLA) is a federal law that guarantees eligible employees up to 12 weeks of unpaid leave per 12-month period.

Eligible employees are those who have been employed for at least 12 months and have worked at least 1250 hours during the previous 12-month period. Employees are eligible for FMLA leave if they:

- Have been employed for at least 500 hours during the current year;
- Are employed by a company with 50 or more employees within a 75-mile radius;
- Are employed by a company with 50 or more employees within 75 miles of the employee’s workplace.

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