

## Taking Time Off for the Flu

During flu season, many workers may have to take more time off from work. This can be because they are sick. **OR** to take care of sick family. The Family and Medical Leave Act of 1993 (FMLA) may help you keep your job if this happens. FMLA lets you take up to 12 weeks unpaid leave a year for this.

To qualify for FMLA leave, you must:

- Work for a large employer (has at least 50 employees within 75 miles of your workplace) **OR** for a public agency
- Have worked there at least 1 year
- Have worked at least 1,250 hours there in the last year

If your job meets these rules, you can get FMLA leave. You can take unpaid FMLA if you have a serious health problem. You can also take FMLA leave to take care of a sick child, husband, wife or parent. This leave protects your job. Your employer can't keep you from taking FMLA leave. They can't punish you for taking FMLA leave.

What is a **serious health condition**? It is a health problem that keeps you from working. It must last 3 days or more. You must also need: or other usual activities for more than 3 days, and involves either:

- Seeing a doctor or health care provider at least 2 times **OR**
- Seeing a doctor/provider once **AND** taking medicine or following other doctor's orders

**Example:** your child is too sick to go to school or day care for more than 3 days. You stay home to take care of him. You take your child to the doctor. The doctor prescribes a medicine called "tamiflu". Your work absence is FMLA leave.

It is also a **serious health condition** if you have to stay in a hospital overnight. **OR** if you or your family member can't work because of:

- Pregnancy **OR**
- A continuing health problem **OR**
- A permanent or long-term condition **OR**
- A health problem needing more than one treatment

How do you get FMLA leave? Tell your employer you need to take time off from work. Say why it meets the FMLA rules. Your employer may need your doctor to fill out a paper. The paper explains

you or your family member have a serious health problem. When the leave is over, you can return to your job. You don't get paid for FMLA leave. **BUT** you can use paid sick leave or paid vacation days first. That way you don't have so many days without pay. Do you have health care at your job? Then your employer must keep paying your health insurance while you are on leave.

FMLA also covers childbirth, adoption and people in the military. Go to **www.dol.gov** on the internet to find out more about FMLA and other work laws. Or go to **www.flu.gov** to find out more about the flu.

This information cannot take the place of legal advice.

**By Bill Bush, Attorney  
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Legal Aid Society**

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