

Family and Medical Leave Act

1. My mother has been very ill and I've had to take time off during the past few months so I could take her to the doctor's office. My boss called me in yesterday and told me if this continued I'd lose my job. Is that legal?

Only if you work for a small company. Under the Family and Medical Leave Act, companies with 50 or more employees must give up to 12 weeks unpaid leave a year because of their own serious illness, for the birth or adoption of a child and to care for seriously ill parents, children or spouses. Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. For more information on this law, call the Labor Department at 1-800-959-FMLA.

2. I've been taking unpaid leave through the Family and Medical Leave Act to care for my daughter who has a serious blood disorder. My employer says he doesn't have to keep paying for my health insurance coverage. Is he right?

No. The Family and Medical Leave Act Requires employers to continue paying health insurance premiums for employees on family and medical leave as if they had continued working. Contact the Labor Department at 1-800-959-FMLA for more information.

3. My wife is having a difficult pregnancy and has been told by her doctor to stay off her feet until our child is born. Does this time off count toward the 12 weeks leave she can take under the Family and Medical Leave Act

Yes, time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

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Employment Standards Administration

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Employment Standards Administration

Most Common Questions

Pay and Overtime

- 1. I just quit my job and had several weeks of vacation and sick leave coming. Now my employer is refusing to pay me for my accumulated leave.**

Federal law does not require sick leave, vacation pay or severance pay. If you quit before using all of your vacation or sick leave, your employer is not obligated to pay you for that time. Check with your state labor department to see if there is a state law that requires employers to pay accumulated leave.

- 2. What are the laws regarding lunch breaks and coffee breaks?**

Federal law does not require lunch or coffee breaks, but when employers do offer breaks of 5 to 20 minutes, federal law considers the breaks work time that must be paid. Check with your state labor department for laws about lunch or coffee breaks.

- 3. My boss called me in today and said he was reassigning me to work nights and weekends. I've worked there for 13 years and I don't think this is fair.**

Your employer has the right to ask you to work any day for any number of hours but must pay you time-and-a-half for any hours over 40 you work in a week unless you are paid on a salary basis and are exempt from overtime.

- 4. I had to take a few days off for personal reasons and when I came back to work my boss told me I was out of a job. Can he do that?**

Yes. The law doesn't specify when or why employers can let employees go. Your employer has the right to let you go at any time. If, however, you feel you lost your job for discriminatory reasons based on your race, gender, national origin, pregnancy,



religion, disability, age or veteran status, you may contact the Equal Employment Opportunity Commission at 1-800-669-4000.

- 5. When I started this job, my employer promised he'd give me a raise after six months and a bonus at the end of my first year. He hasn't kept his promise.**

Federal law does not cover bonuses or raises promised by employers. Your employer is only required by federal law to pay you at least minimum wage and time-and-a-half for any hours over 40 in a workweek. Check with your state labor department to see if there are any state laws covering raises or bonuses.

- 6. I was fired two weeks ago and still have not received my last paycheck. What can I do?**

Your employer is not required by federal law to pay you immediately. If the regular payday for the last pay period you worked has passed and you still haven't been paid, contact the local Wage and Hour Division of the U.S. Labor Department.

Workers' Compensation

- 1. I was injured on the job. Who do I call to begin collecting workers' compensation?**

Contact your state office of workers' compensation. If you work for the federal government, contact the U.S. Labor Department's Office of Workers' Compensation Programs.

Child Labor

- 1. How old do teens have to be before they can start working?**

Teenagers can start working when they turn 14, but the hours they can work are restricted until they turn 16, and the work they can do is restricted until they are 18. During the school year, teens 14 and 15 may work only between 7 a.m. and 7 p.m. and no more than three hours a school day or 18 hours at school

week. Between June 1 and Labor Day they may work until 9 p.m. but no more than 8 hours a day and 40 hours a week.

Teens who are 16 and 17 may work unlimited hours but cannot operate power-driven equipment such as meat slicers, bakery machines or forklifts. Federal law also prohibits teens from working in forestry, sawmills, in mines or explosives manufacturing. There are different laws for farm work. Some states have more stringent child labor laws, and employers must obey the more stringent law.

- 2. My daughter is 16 and is looking for her first job. Where can she get a work permit?**

The federal government does not require work permits, but some states do. Check with your state labor department or her school guidance counselor.

- 3. My daughter works for a pharmacy and has been asked to deliver some supplies to other drug stores in the city. She doesn't have to drive more than an hour a day, but she just got her driver's license a few months ago. Can she be asked to drive on the job?**

If your daughter is under 17, she cannot drive on public roads as part of the job even if she is driving her personal vehicle. If 17-year-olds have valid state licenses with no violations, they may drive up to a third of their workday or 20 percent of their work week. They cannot drive at night and can only drive cars or light trucks under 6,000 pounds. They may not drive beyond a 30-mile radius of their workplace.

