



September 9, 1993

FMLA-3

Dear **Name***,

Thank you for your letter on behalf of **Name***. **Name*** has requested information concerning the Family and Medical Leave Act (FMLA) of 1993. **Name*** is interested in taking maternity leave and she is concerned about job security. Your inquiry was referred to this office as the Wage and Hour Division of the Department of Labor administers and enforces this law.

The Family and Medical Leave Act entitles eligible employees to take up to 12 weeks of unpaid, job protected leave in any 12 months for specified family and medical reasons. An employee on FMLA leave is entitled to return to the same or an equivalent position with the same pay, benefits, etc., on return from leave.

An equivalent position must involve the same or substantially similar duties and responsibilities, equivalent pay, benefits, and working conditions. Furthermore, an employee is ordinarily entitled to return to the same shift or the same or an equivalent schedule. An employee may request a different shift schedule, or position which better suits the employee's personal needs; however, an employee cannot be required to accept a position against his or her wishes. Additionally, it is unlawful for any employer to interfere with or restrain or deny the exercise of any right provided under the law.

I hope this has been responsive to your concerns. I have enclosed two publications which **Name*** will find helpful. Also, a local office of the Wage and Hour Division can assist **Name*** with any additional questions.

Sincerely,

Charles E. Pugh
Assistant Administrator

Enclosures

** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).*