



October 1, 1993

FMLA-6

Dear *Name**,

This is in reply to your letter regarding your employee disability benefit plan and compliance with the Family and Medical Leave Act of 1993 (FMLA).

Disability insurance is not part of the health benefits which must be maintained for an "eligible employee" while on FMLA leave. However, as noted in section 825.213(f) of Regulations, 29 CFR Part 825, employers may choose to maintain other employee benefits, such as disability insurance, by continuing to pay premiums during FMLA leave, in order to avoid a lapse in coverage and ensure that the employer can meet its responsibilities under FMLA to provide equivalent benefits upon return of an employee from leave. Under the circumstances set forth in paragraphs (a) through (e) of this section, an employer is entitled to recover any premiums paid on the employee's behalf to maintain such benefits during FMLA leave.

An insurance company is under no legal obligation to modify their policies to comply with FMLA. The employer is legally responsible to maintain health insurance and restore all benefits to employees upon their return from leave.

If you have any further questions, please feel free to contact me at (202) 219-8412.

Sincerely,

J. Dean Speer
Director, Division of Policy and Analysis

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