



Does Friendly Leave Act Apply to Nonprofits?

Is there a law that lets nonprofit employees use sick leave to tend family members?



President Clinton approved a law (the Federal Employees Family Friendly Leave Act), effective December 2, 1994, which, as we understand it, entitles federal employees to use 5 to 13 sick leave days per year to care for family members, attend a funeral, and for adoptions. The act specifies that sick leave can be used to care for physically and mentally ill family members; for injury, pregnancy, or childbirth of family members; to escort family members to dental, medical, and optical appointments; or for arranging or attending a family member's funeral.

Does this law or a similar law apply to the private sector? Specifically, does it apply to nonprofit corporations?

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with serious health conditions; or because the employee's own health makes it impossible to perform job functions.

Employers must let employees continue health benefits while on FMLA leave just as if they were working. The employer and employee must each pay the same portion of health coverage during this period. If the employee doesn't return to work after the FMLA leave, the employer can recover this cost from the employee (unless failure to return was beyond the employee's control).

The employer need not provide other benefits during the FMLA leave, but the employee has the right to resume those other benefits upon return. Also on return, the employee is entitled to equivalent pay, including any unconditional pay increases which may have occurred during the FMLA leave.

The Department of Labor has issued some complex regulations to accompany the FMLA. These rules detail when and how benefits accrue and what employees must do to activate the procedure. Despite these lengthy regulations, there are many details in the law yet to be ironed out. In addition, some states have similar laws which need to be reviewed and coordinated with the federal law. For guidance on these laws, contact your state and federal Departments of Labor.

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As the name implies, the Federal Employees Family Friendly Leave Act applies only to federal employees. For those employed in the private sector, however, there is a similar law called the Family and Medical Leave Act (FMLA). The FMLA applies to employers (including nonprofit organizations) but only if they have more than 50 employees. The FMLA's benefits apply to

workers who have been employed for at least 12 months and who have worked at least 1,250 hours during that 12-month period.

In a nutshell, the FMLA allows employees to take unpaid leave (or paid leave if sufficient paid leave has already been accrued) for up to 12 workweeks in any 12-month period for the following reasons: birth of a child; placement of a child for adoption or foster care; the need to care for a child, spouse, or parents

Employers must let employees continue health benefits while on leave just as if they were working.