

# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call 1-866-487-9243 or visit [dol.gov/fmla](https://dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

SCAN ME





**CUSTOM LANGUAGE ADDENDUM**

If a 411(d)(6) protected benefit in the Plan or a plan merged into the Plan is not either: (i) available as a provision through the Pre-Approved Plan, or (ii) the subject of a prior determination, advisory, or opinion letter, the Employer cannot rely on the Pre-Approved Plan Provider's opinion letter for qualification with respect to such benefit. If a 411(d)(6) protected benefit in the plan or a plan being merged into the Plan is not permitted in a pre-approved plan, as described in Section 6.03 of Revenue Procedure 2017-41, such provision must be discontinued no later than the date the Employer adopts this Pre-Approved Plan, in the case of a merger, the merger date shall apply only to the extent required under Code Section 411(d)(6).

**Adoption Agreement Section B.1a: Eligible Employees**

Oklahoma County Employees who have satisfied the requirements to be classified as a Full Time Employee pursuant to the terms of the Oklahoma County Employee Handbook will be Eligible Employees under the Plan. The following will also be considered Eligible Employees of the Plan:

- 1) Employees of the Oklahoma County Public Defender's Office who are designated by the Oklahoma County Public Defender's office as Full Time Employees.
- 2) Employees of the Oklahoma County Criminal Justice Authority who satisfy the requirements to be classified as Full Time Employees pursuant to the terms of the Oklahoma County Employee Handbook.

**Adoption Agreement Section B.10a and 10b; Basic Plan Document Article 3, Section 3.05: Termination and Rehires**

**Eligibility for Rehired Employees:**

Amended to read as follows:

For purposes of this Section, Break in Service shall mean a period of twelve consecutive months during which an Employee is not a Full Time Employee of Oklahoma County or another participating employer. In determining whether a Break in Service has occurred, any period of unpaid leave under the Family Medical Leave Act shall not be counted. A Break in Service shall also occur if all or part of a Participant's Account is distributed to such Participant due to their Termination of Employment.

**Non-Retiree Rehired Employees:**

- 1) Re-employment prior to a Break in Service. Any terminated Participant who has not been classified as a Retiree by the Retirement Board and who renews employment as a Full Time Employee with Oklahoma County or a participating Employer without incurring a Break in Service, shall (1) resume or become a Participant immediately upon his rehire date provided the individual had satisfied the Plan's eligibility requirements, including passing an Entry Date, before their Termination Date, or (2) be eligible to participate as of the later of the effective date of the individual's reemployment or the date the individual meets the Plan's eligibility requirements.
- 2) Re-employment following a Break in Service. Any terminated Participant who has not been classified as a Retiree by the Retirement Board and who renews employment as a Full Time Employee with Oklahoma County or a participating Employer following a Break in Service, but who is 100% vested, shall resume or become a Participant immediately upon his rehire date provided the individual had satisfied the Plan's eligibility requirements, including passing an Entry Date, before their Termination Date. Any terminated Participant re-employed by Oklahoma County, or other participating employer, following a Break in Service, who is not 100% vested will be treated as a new hire and subject to the policies, terms and conditions of the Plan, including vesting schedules and retirement policies.

**Retiree Rehired Employees:**

Any Retired Employee of Oklahoma County or any other participating employer who is re-employed by Oklahoma County or another participating employer as a Full Time Employee will be treated as a new hire and subject to the policies, terms and conditions of the Plan, including vesting schedules, health coverages and retirement policies. A separate Contribution Account will be established for each such rehired retiree, in which Retirement contributions made after the Retiree's date of reemployment will be contributed.

**Adoption Agreement Section D.11: Special Vesting Provisions**

---

“MEDICAL PERSONNEL WHO ARE SCHEDULED FOR 12 HOUR SHIFTS, WITH AN AVERAGE OF 36 HOURS PER WEEK, ARE CONSIDERED FULL TIME EMPLOYEES AND ARE ELIGIBLE FOR HEALTH AND RETIREMENT BENEFITS.”





The Oklahoma Public Employees Retirement System (OPERS) is a defined benefit retirement plan qualified under Section 401(a) of the Internal Revenue Code. Participation in OPERS is mandatory for eligible state and local government employees. OPERS provides you a lifetime retirement benefit when you meet the eligibility requirements described below.

You participate in OPERS by contributing a portion of your salary each pay period. Your employer also contributes on your behalf. The amount of your contributions does not determine the amount of the benefit OPERS promises you. Your benefits are determined by a formula which includes your salary and years of credited service. The paid contributions are invested, under the direction of the OPERS Board of Trustees, to provide lifetime retirement benefits to eligible members.

This handout is an overview describing OPERS plan provisions as of July 1, 2024. It is not a plan document and does not create any type of binding obligation, contract or promise to pay benefits. OPERS reserves the right to correct any errors contained herein to comply with federal or state statutes. For more information, visit [www.opers.ok.gov](http://www.opers.ok.gov).

---

### Membership and Participation

Participation in OPERS begins on the first day of the month immediately following the beginning date of your employment, or on the first day of employment for returning members whose prior service has not been withdrawn, provided that all of the following apply :

1. Your position is **permanent**, not seasonal, or temporary; and,
2. Your position requires at least 1,000 hours of work per year; and,
3. Your salary is equal to or greater than the minimum wage.

---

### Contributions

Current contribution rates are 3.5% for state employees and 16.5% for state agencies.

Local government employers choose the rate at which the organization and employee will contribute for a total of 20%. For more details on the contribution rates of a participating local government organization, see your Retirement Coordinator.

---

### Vesting

To be vested means you have accumulated enough service credit to entitle you to a lifetime monthly retirement benefit in the future. You must have eight years<sup>2</sup> of credited service (including six full years of full-time-equivalent employment<sup>3</sup>) to be considered vested.

---

### Eligibility for Normal Retirement Benefits

If you became a member of OPERS before November 1, 2011:

- **Age 62** – You can begin receiving full, unreduced retirement benefits when you are at least age 62 with six full years of full-time-equivalent employment<sup>4</sup>; or
- **80 Points** – You can begin receiving full, unreduced retirement benefits when the sum of your age and years of service equals 80 if you became a member before July 1, 1992; or
- **90 Points** – You can begin receiving full, unreduced retirement benefits when the sum of your age and years of service equals 90 if you became a member on or after July 1, 1992.

If you became a member of OPERS on or after November 1, 2011:

- **Age 65** – You can begin receiving full, unreduced retirement benefits when you are at least age 65 with six full years of full-time-equivalent employment<sup>4</sup>; or
- **90 Points** – You can begin receiving full, unreduced retirement benefits when you are at least 60 years of age and the sum of your age and years of service equals 90.

---

### Eligibility for Early Retirement Benefits

If you became a member of OPERS before November 1, 2011:

- You can begin receiving reduced retirement benefits once you have reached age 55 and have at least 10 years<sup>2</sup> of participating service.

If you became a member of OPERS on or after November 1, 2011:

- You can begin receiving reduced retirement benefits once you have reached age 60 and have at least 10 years<sup>2</sup> of participating service.

If you choose early retirement, you will receive a **permanent** actuarial reduction in your benefit based on your age at retirement.