



# FMLA Iowa

## Federal vs. Iowa Family & Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
<b>Applicable laws</b>	<a href="#">The Family and Medical Leave Act</a> (FMLA)	<a href="#">Iowa Civil Rights Act</a> (ICRA) – containing leave provisions for pregnancy and childbirth.
<b>Covered employers</b>	Employers subject to the FMLA include: <ul style="list-style-type: none"><li>• Private-sector employers with <b>50 or more employees</b> in at least 20 weeks of the current or preceding year;</li><li>• Public agencies, including state, local and federal employers; and</li><li>• Local education agencies, including elementary and secondary schools (public and private).</li></ul>	The ICRA's leave provisions apply to employers that regularly employ <b>four or more employees</b> .
<b>Eligible employees</b>	To be eligible for FMLA leave, an employee must: <ul style="list-style-type: none"><li>• Have worked for the covered employer for at least 12 months (which need not be consecutive);</li><li>• Have at least 1,250 hours of service for the employer during the 12-month period immediately before the leave; and</li><li>• Work at a location where the employer has 50 or more employees within 75 miles of that worksite.</li></ul>	Eligible employees are those who are disabled by pregnancy, childbirth or related medical conditions.



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<b>Leave amount</b>	<p>In general, employees may take up to <b>12 weeks</b> of FMLA leave during a 12-month period.</p> <p>Employees may take up to <b>26 weeks</b> of leave during a single 12-month period to care for spouse, child, parent or next of kin who is a covered service member with a serious injury or illness.</p> <p>Spouses that work for the same employer are limited to a combined total of 12 weeks of leave to care for a parent with a serious health condition, to care for a covered service member with a serious injury or illness or following the birth, adoption or placement of a child.</p>	<p>An employer's written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority (and other benefits and privileges), reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, must be applied to a disability due to the employee's pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.</p> <p>When leave is not available or sufficient under an employer's health or temporary disability insurance or sick leave plan, an employer must grant a leave of absence to an employee who is disabled by pregnancy, childbirth or related medical conditions. The leave must be for the period that the employee is disabled or for <b>eight weeks</b>, whichever is less.</p>
<b>Type of leave</b>	<p>Eligible employees may take unpaid leave under the FMLA for the following reasons:</p> <ul style="list-style-type: none"> <li>• The birth of the employee's newborn child;</li> <li>• The placement of a child with the employee for adoption or foster care;</li> <li>• A serious health condition that makes the employee unable to perform the functions of his or her job;</li> <li>• To care for the employee's spouse, child or parent who has a serious health condition;</li> <li>• Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty (or call to covered active duty status); or</li> <li>• To care for a spouse, child, parent or next of kin who is a covered service member with a serious injury or illness.</li> </ul>	
<b>Serious health condition</b>	<p><b>Serious health condition:</b> An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. Serious health conditions may include:</p> <ul style="list-style-type: none"> <li>• An overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with the overnight stay;</li> </ul>	No provision.

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	<ul style="list-style-type: none"> <li>• A period of incapacity of more than three consecutive full calendar days that involves a certain level of treatment from a health care provider;</li> <li>• A period of incapacity due to (or treatment for) a chronic serious health condition;</li> <li>• A period of incapacity which is permanent or long-term due to a condition for which treatment may be ineffective;</li> <li>• Absences to receive multiple treatments (including recovery periods) for a restorative surgery or for a condition that if left untreated likely would result in incapacity of more than three days; or</li> <li>• Any incapacity related to pregnancy or for prenatal care.</li> </ul> <p>Incapacity means inability to work, or inability to attend school, or perform other regular daily activities due to the serious health condition.</p>	
<b>Intermittent leave</b>	<p>Employees are entitled to take FMLA leave on an intermittent or reduced schedule basis when:</p> <ul style="list-style-type: none"> <li>• There is a medical need for this type of leave for an employee’s own serious health condition;</li> <li>• To care for a spouse, parent or child with a serious health condition; or</li> <li>• To care for a covered service member with a serious injury or illness.</li> </ul> <p>An employee is also entitled to use intermittent or reduced schedule leave for qualifying exigencies.</p> <p>An employee is not entitled to take intermittent leave for the birth and care of a newborn child or for the placement with the employee of a child for adoption or foster care unless the employer agrees to the arrangement.</p>	<p>An employer’s written and unwritten employment policies and practices involving matters such as:</p> <ul style="list-style-type: none"> <li>• The commencement and duration of leave;</li> <li>• The availability of extensions;</li> <li>• The accrual of seniority (and other benefits and privileges); and</li> <li>• Reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal,</li> </ul> <p>must be applied to a disability due to the employee’s pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.</p>
<b>Substitution of paid leave</b>	<p>An eligible employee may choose, or an employer may require the employee to substitute, accrued paid leave for unpaid FMLA leave. Substitute means that the accrued paid</p>	<p>An employer’s written and unwritten employment policies and practices involving matters such as:</p>

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	leave will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.	<ul style="list-style-type: none"> <li>• The commencement and duration of leave;</li> <li>• The availability of extensions;</li> <li>• The accrual of seniority (and other benefits and privileges); and</li> <li>• Reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal,</li> </ul>
<b>Reinstatement rights</b>	Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment.	must be applied to a disability due to the employee's pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.
<b>Key employee exception to reinstatement rights</b>	Limited exception for salaried employees if among highest paid 10 percent of workforce within 75 miles of worksite, restoration would lead to grievous economic harm to employer, and other conditions met.	No provision.
<b>Maintenance of health benefits during leave</b>	Health insurance must be continued under same conditions as before leave.	<p>An employer's written and unwritten employment policies and practices involving matters such as:</p> <ul style="list-style-type: none"> <li>• The commencement and duration of leave;</li> <li>• The availability of extensions;</li> <li>• The accrual of seniority (and other benefits and privileges); and</li> <li>• Reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal,</li> </ul> <p>must be applied to a disability due to the employee's pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.</p>

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<b>Leave requests</b>	<p>An employee must give at least 30 days' advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so.</p> <p>For planned medical treatment, the employee must consult with his or her employer and try to schedule the treatment at a time that minimizes the disruption to company operations.</p> <p>When the need for leave is unexpected, the employee must provide notice as soon as possible and practical.</p>	<p>For a leave of absence due to pregnancy, childbirth or a related medical condition, when the employer's health or temporary disability insurance or sick leave plan does not provide for a leave or the leave is insufficient, the employee must provide timely notice of requested leave, and the employer must approve any change in the period of requested leave before the change is effective.</p>
<b>Certification requirement</b>	<p>An employer may require an employee to submit a certification to support the employee's need for FMLA leave when the leave request is for:</p> <ul style="list-style-type: none"> <li>• The employee's serious health condition;</li> <li>• The serious health condition of the employee's parent, spouse or child; or</li> <li>• Military family leave (qualifying exigency leave or leave to care for a covered service member with a serious illness or injury).</li> </ul> <p>An employer may also, in certain circumstances, require a fitness-for-duty certification at the end of the employee's leave as a condition to returning the employee to the job.</p>	<p>Before granting a leave of absence due to pregnancy, childbirth or a related medical condition, when the employer's health or temporary disability insurance or sick leave plan does not provide for a leave or the leave is insufficient, the employer may require medical certification stating that the employee is not able to reasonably perform the duties of employment.</p>
<b>Statutes</b>	29 U.S.C. § 2601.	I.C.A. § 216.6