



Mineral



Question of the Week

January 2, 2025

Question

I read that FMLA entitles eligible employees to 12 weeks of unpaid, job-protected leave. What does “job-protected” mean?

ANSWER

When a leave of absence is “job-protected,” you can’t terminate or demote the employee, or take away any benefit they earned or were entitled to, simply because they took that time off. Upon their return, you generally need to restore them to their original job or an equivalent position with the same pay, benefits, and other terms and conditions of employment. It enables employees to take time off without having to worry about losing their job or facing other adverse employment action.

Job-protected leave does not, however, provide safeguards against layoffs or job changes that would have occurred even if the employee hadn’t taken leave. It also doesn’t prohibit you from disciplining or terminating an employee after their leave. That said, if you need to take adverse action while they’re on leave or shortly afterwards, it’s especially important to document the legitimate business reasons for the action in case the employee claims your motives are retaliatory.

You can learn more about protected leaves on the [platform](#).

This Q&A does not constitute legal advice and does not address state or local law.