

**§845. Employee benefits protection**

**1. Restoration.** Any employee who exercises the right to family medical leave under this subchapter, upon expiration of the leave, is entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. This subsection does not apply if the employer proves that the employee was not restored as provided in this subsection because of conditions unrelated to the employee's exercise of rights under this subchapter.

[PL 1987, c. 661 (NEW).]

**2. Maintenance of employee benefits.** During any family medical leave taken under this subchapter, the employer shall make it possible for employees to continue their employee benefits at the employee's expense. The employer and employee may negotiate for the employer to maintain benefits at the employer's expense for the duration of the leave.

[PL 1991, c. 277, §2 (AMD).]

**SECTION HISTORY**

PL 1987, c. 661 (NEW). PL 1991, c. 277, §2 (AMD).

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