

work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

(i) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in section 2612(a)(1)(C) of this title;

(ii) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 2612(a)(1)(D) of this title; or

(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 2612(a)(3) of this title.

#### **(B) Copy**

The employee shall provide, in a timely manner, a copy of such certification to the employer.

#### **(C) Sufficiency of certification**

##### **(i) Leave due to serious health condition of employee**

The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

##### **(ii) Leave due to serious health condition of family member**

The certification described in subparagraph (A)(i) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

(Pub. L. 103-3, title I, § 104, Feb. 5, 1993, 107 Stat. 12; Pub. L. 110-181, div. A, title V, § 585(a)(3)(F), Jan. 28, 2008, 122 Stat. 131.)

#### **AMENDMENTS**

2008—Subsec. (c)(2)(B)(i). Pub. L. 110-181, § 585(a)(3)(F)(i), inserted “or under section 2612(a)(3) of this title” before semicolon.

Subsec. (c)(3)(A)(iii). Pub. L. 110-181, § 585(a)(3)(F)(ii), added cl. (iii).

#### **EFFECTIVE DATE**

Section effective 6 months after Feb. 5, 1993, except that, in the case of collective bargaining agreements in effect on that effective date, section applicable on the earlier of (1) the date of termination of such agreement, or (2) the date that occurs 12 months after Feb. 5, 1993, see section 405(b) of Pub. L. 103-3, set out as a note under section 2601 of this title.

### **§ 2615. Prohibited acts**

#### **(a) Interference with rights**

##### **(1) Exercise of rights**

It shall be unlawful for any employer to interfere with, restrain, or deny the exercise

of or the attempt to exercise, any right provided under this subchapter.

##### **(2) Discrimination**

It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this subchapter.

##### **(b) Interference with proceedings or inquiries**

It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this subchapter;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this subchapter; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this subchapter.

(Pub. L. 103-3, title I, § 105, Feb. 5, 1993, 107 Stat. 14.)

#### **EFFECTIVE DATE**

Section effective 6 months after Feb. 5, 1993, except that, in the case of collective bargaining agreements in effect on that effective date, section applicable on the earlier of (1) the date of termination of such agreement, or (2) the date that occurs 12 months after Feb. 5, 1993, see section 405(b) of Pub. L. 103-3, set out as a note under section 2601 of this title.

### **§ 2616. Investigative authority**

#### **(a) In general**

To ensure compliance with the provisions of this subchapter, or any regulation or order issued under this subchapter, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 211(a) of this title.

#### **(b) Obligation to keep and preserve records**

Any employer shall make, keep, and preserve records pertaining to compliance with this subchapter in accordance with section 211(c) of this title and in accordance with regulations issued by the Secretary.

#### **(c) Required submissions generally limited to annual basis**

The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this subchapter or any regulation or order issued pursuant to this subchapter, or is investigating a charge pursuant to section 2617(b) of this title.

#### **(d) Subpoena powers**

For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 209 of this title.

(Pub. L. 103-3, title I, § 106, Feb. 5, 1993, 107 Stat. 15.)

#### **EFFECTIVE DATE**

Section effective 6 months after Feb. 5, 1993, except that, in the case of collective bargaining agreements in