



## FMLA Retaliation: Elements Chart

Family Medical Leave Act: 29 U.S.C. § 2615(a)

Element	Evidence
Plaintiff exercised rights protected by the FMLA.	
Plaintiff was qualified for his position.	
Plaintiff suffered an adverse employment action.	
The adverse employment action occurred under circumstances giving rise to an inference of retaliatory intent.	
The defendant must show a legitimate, non-discriminatory reason for its action.	
Plaintiff must show that defendant's reason is pretextual.	
Statute of limitations: 2 years; 3 years for willful violations.	

This Tip Sheet is designed to provide information to pro se civil litigants in Colorado. It is not a substitute for legal advice from an experienced attorney. If you have any questions, please call the Federal Pro Se Clinic at (303) 380-8786.