



Family Medical Leave Act (FMLA)

The Family Medical Leave Act (FMLA) was passed to make it easier for employees to balance work and family life while still meeting their employers' needs. The FMLA requires certain employers to allow unpaid leave to qualified employees for family and medical reasons. Here are some frequently asked questions and answers about the FMLA.

How do I know if my employer is covered by the FMLA? Covered employers include private-sector employers who employ 50 or more employees in 20 or more workweeks in the current or prior calendar year. Public agencies including local, state, and federal government agencies, and public and private schools are also covered regardless of how many employees they have.

How do I know if I am eligible for FMLA leave? If your employer meets one of the above descriptions and if you meet the following requirements, then you are eligible for FMLA leave:

1. You have worked for the employer for at least 12 months,
2. You have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave, and
3. You work at a location where at least 50 employees are employed (or within 75 miles of the location)

What kinds of leave does the FMLA cover? If you are eligible and your employer is covered, you are entitled to 12 weeks of unpaid leave during one year, for one or more of the following reasons:

- **Birth of a child-** Both parents can take FMLA leave for the birth of a child, and for bonding/adjustment time after. The leave must begin within 1 year after the birth.
- **Adoption and foster care placement-** Both parents can take FMLA leave for adoption or foster care placement of a child. It must begin within 1 year of the placement. Leave can also be taken before placement if the employee needs to be away from work in order for the adoption or foster care process to proceed.
- **Care of a sick family member-** An employee can take FMLA leave to care for a spouse, child (including step-children and other legally placed children), or parent with a **serious health condition**.
- **The employee's own medical reasons-** An employee may take FMLA leave for a **serious medical condition** if it makes her or him unable to perform their job.
 - **Note:** When employees take FMLA leave for a serious health condition of either the employee or the employee's immediate family, the employer may require a certification by a health care provider.

What is a "serious health condition"? A serious health condition is that which involves any of the following:

- inpatient care in a medical facility,
- 3 or more days where you are unable to do normal activities and require health care treatment
- any period of incapacity due to pregnancy or for prenatal care,
- any period of incapacity or treatment for a chronic health problem, such as asthma, diabetes, epilepsy, etc.,
- any period of incapacity that is permanent or long term due to a condition where treatment may not be effective (i.e. as Alzheimer's, stroke, terminal diseases, etc.)
- any absences to receive multiple treatments referred by a health care provider if the condition would likely result in the employee missing three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.)

Is substance abuse considered a "serious health condition"? Sometimes. An employee's absence from work because of substance use is not covered. If referred by a health care provider for substance abuse treatment, FMLA leave may be used. However, if the employer has substance abuse policies that allow for termination of an employee due to substance abuse, the FMLA does not protect the employee from termination.

Will I still have my job after FMLA leave? Yes, but it may not be the exact same job. FMLA ensures employees do not have to choose between caring for family and keeping their job. FMLA requires employers to restore the employee to the original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Can I still use paid leave offered by my employer while I'm on FMLA leave? Yes, you can elect to use paid leave you have accrued as part of your FMLA leave, including sick, personal, or vacation leave, and your employer may require you use your paid leave before you take unpaid leave.

