

The Federal Family and Medical Leave Act

What you need to know about FMLA

FMLA-eligible employees can take up to

12 WEEKS



Childbirth
Birth and care of a newborn infant within the first year of birth



Adoption
Placement with the employee of a child for adoption or foster care within one year of placement



Family Health Condition
Care for employee's spouse, child, or parent who has a serious health condition



Health Condition (Self)
Condition preventing employee from performing the essential functions of his or her job



Active Duty Family Member
26 workweeks to care for employee's spouse, son, daughter, or parent who is a covered military member or "covered active duty"

A COVERED **EMPLOYER**

FALLS INTO ONE OF THESE THREE CATEGORIES



PRIVATE SECTOR

A qualified private sector employer has 50+ employees in 20+ workweeks in the current or preceding calendar year.

The school may be private or public and the number of employees is not relevant.



SCHOOL



PUBLIC AGENCY

A public agency may be a local, state, or Federal agency and the number of employees is not relevant.



Group Health Insurance Benefits
Health insurance coverage continues under FMLA with normal contributions.

Job Restoration
When an employee returns, he or she must be restored to the same or "equivalent job."

A COVERED **EMPLOYEE**

WORKS FOR A COVERED EMPLOYER

(THESE GUYS)

for at least

12 MONTHS

has accrued

1,250 HOURS

works for employer with

>50 EMPLOYEES
WITHIN **75 MILES**

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(the plain text version)

Federal Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) is a Federal labor law. Employers with 50 or more employees must provide job-protected and unpaid leave for qualified medical or family reasons.

Employees are entitled twelve workweeks of leave in a 12-month period for:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).
(<https://www.dol.gov/whd/fmla/>)

A covered employer is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

An eligible employee is one who:

- Works for a covered employer;
- Has worked for the employer for at least 12 months;
- Has at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave*; and
- Works at a location where the employer has at least 50 employees within 75 miles.

Employee Protections

- **Group Health Insurance Benefits:** If an employee is provided group health insurance, the employee is entitled to the continuation of the group health insurance coverage during FMLA leave on the same terms as if he or she had continued to work. Same holds true for family member coverage. Normal contributions must continue.
- **Job Restoration:** When an employee returns from FMLA leave, he or she must be restored to the same job or to an "equivalent job".

An Employer's Obligation to Provide Employees with General Notice of FMLA Rights

Every employer covered by the FMLA must provide a general notice to their employees regarding the FMLA. To satisfy the general notice requirement, employers must:

1. display or post a general notice (referred to as a poster), and
2. if the employer has any FMLA eligible employees, provide a written general notice to employees.

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State FMLA

Some States offer a paid FMLA program which may be more expansive than the Federal mandate. Check with your State Labor Department or with us at info@getpayroll.com.

Get the poster on our website: <http://www.getpayroll.com/freeposters/fmla>

Print FMLA forms: <https://www.dol.gov/whd/fmla/forms.htm>

Learn more about FMLA for Employers in this guide: <https://www.dol.gov/whd/fmla/employerguide.pdf>

Resources:

US Department of Labor Website. Family and Medical Leave Act. <https://www.dol.gov/whd/fmla/>