Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-
protected leave to eligible employees for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption
  or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has
  a serious health condition; or
- For a serious health condition that makes the employee unable to
  perform the employee’s job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or
call to active duty status in the National Guard or Reserves in support of a
contingency operation may use their 12-week leave entitlement to address
certain qualifying exigencies. Qualifying exigencies may include attending
certain military events, arranging for alternative childcare, addressing certain
financial and legal arrangements, attending certain counseling sessions, and
attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible
employees to take up to 26 weeks of leave to care for a covered
servicemember during a single 12-month period. A covered servicemember
is a current member of the Armed Forces, including a member of the
National Guard or Reserves, who has a serious injury or illness incurred in
the line of duty on active duty that may render the servicemember medically
unfit to perform his or her duties for which the servicemember is undergoing
medical treatment, recuperation, or therapy; or is in outpatient status; or is on
the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health
coverage under any “group health plan” on the same terms as if the employee
had continued to work. Upon return from FMLA leave, most employees
must be restored to their original or equivalent positions with equivalent pay,
benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that
accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at
least one year, for 1,250 hours over the previous 12 months, and if at least 50
employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or
mental condition that involves either an overnight stay in a medical care
facility, or continuing treatment by a health care provider for a condition that
either prevents the employee from performing the functions of the
employee’s job, or prevents the qualified family member from participating
in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be
met by a period of incapacity of more than 3 consecutive calendar days
combined with at least two visits to a health care provider or one visit and a
regimen of continuing treatment, or incapacity due to pregnancy, or
incapacity due to a chronic condition. Other conditions may meet the
definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave
can be taken intermittently or on a reduced leave schedule when medically
necessary. Employees must make reasonable efforts to schedule leave for
planned medical treatment so as not to unduly disrupt the employer’s
operations. Leave due to qualifying exigencies may also be taken on an
intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave
while taking FMLA leave. In order to use paid leave for FMLA leave,
employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA
leave when the need is foreseeable. When 30 days notice is not possible, the
employee must provide notice as soon as practicable and generally must
comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to
determine if the leave may qualify for FMLA protection and the anticipated
timing and duration of the leave. Sufficient information may include that the
employee is unable to perform job functions, the family member is unable to
perform daily activities, the need for hospitalization or continuing treatment
by a health care provider, or circumstances supporting the need for military
family leave. Employees also must inform the employer if the requested
leave is for a reason for which FMLA leave was previously taken or certified.
Employees also may be required to provide a certification and periodic
recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they
are eligible under FMLA. If they are, the notice must specify any additional
information required as well as the employees’ rights and responsibilities. If
they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as
FMLA-protected and the amount of leave counted against the employee’s
leave entitlement. If the employer determines that the leave is not FMLA-
protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:
- Interfere with, restrain, or deny the exercise of any right provided under
  FMLA;
- Discharge or discriminate against any person for opposing any practice
  made unlawful by FMLA or for involvement in any proceeding under
  or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or
may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or
supersede any State or local law or collective bargaining agreement which
provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered
employers to post the text of this notice. Regulations 29
C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
WWW.WAGEHOUR.DOL.GOV