



The FindLaw Guide to The Family And Medical Leave Act (FMLA)

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The Family and Medical Leave Act (FMLA) is the federal law that allows covered employees to take extended time away from work to handle certain family or medical matters. Here, we explain the basics of what you need to know about the FMLA.

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Introduction

Sometimes events in life force employees to miss work for periods that last longer than the amount of sick leave or vacation time that the employee has accrued. The FMLA recognizes this, and allows eligible employees to generally take unpaid leave for up to 12 weeks in a 12-month period. The FMLA also protects the employee's job during the leave period, and at the end of the leave an employer must return the employee to his or her original job or its equivalent.

Still, not every employee is eligible for FMLA leave and even an employee who is eligible must follow strict protocol to take this leave. FMLA leave is a very confusing area of law, and FindLaw and its directory of attorneys can help you.

FMLA Coverage

The FMLA does not apply to all employers or to all employees. The FMLA only covers employers with 50 or more workers, who have employed 50 or more workers for at least the past 20 weeks. It also applies to public agencies, regardless of the number of employees, and to elementary and secondary schools, both public and private.

And if you work for a covered employer, the FMLA only applies to employees who have worked for a minimum of 12 months, although these 12 months do not need to be consecutive. Additionally, the employee must have worked at least 1,250 hours for the employer during the previous 12 months, at a site where the employer has 50 or more employees within a 75-mile radius. [Learn more about FMLA coverage here.](#)

Eligibility for Leave

Only certain employees qualify for FMLA leave. An eligible employee is generally one who:

- works for a covered employer
- worked for the employer for a minimum of 12 months before taking FMLA leave
- worked at least 1,250 hours during those 12 months
- has a job that takes place in a location where at least 50 employees work, or within 75 miles of such a location
- has a qualifying reason for leave

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Qualifying Reasons for Leave

Not every headache or cough entitles you to take FMLA leave. Generally, the types of events that trigger FMLA protections include:

- arrival of a new child in the family -- whether by birth, adoption or foster care
- care of a family member with a serious health condition
- employee's own serious health condition

It should be noted that "serious health condition" typically means any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. So the condition has to be fairly serious. Additionally, for determining what qualifies for FMLA family-related leave, the regulations only include an employee's spouse, child, or parent as family members.

To learn more about any of the qualifying reasons for leave, [click here](#).

Taking Leave

Employees must follow certain protocols to take FMLA leave. This typically involves providing reasonable notice to the employer of the need for leave, usually 30 days advance notice for a foreseeable reason. Additionally, employees have to provide enough information to the employer that they are requesting leave for a FMLA-qualifying reason.

Prior to taking leave, employers may also require that the employee provide a medical certification of the need for leave. Learn more about [medical certifications and privacy concerns here](#).

STOP

Should I Talk to an Attorney?

Taking Family and Medical Leave Act (FMLA) leave can be a very complicated process. There are legal issues that go into whether your employer is required to provide leave, whether you are qualified to take leave, and how much leave you can take. If you have questions, in any of these areas, you should contact a local employment law attorney.

You can locate an employment attorney near you by visiting [our directory of attorneys](#).

For More Information

Regarding FMLA leave and other leave related issues, please visit <http://employment.findlaw.com/family-medical-leave/family-and-medical-leave-act/>

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