

The Federal Family and Medical Leave Act (FMLA)



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The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks of unpaid leave for certain qualifying family and medical reasons. In certain circumstances, employees may take up to twenty-six (26) weeks of unpaid leave. This document is intended to help you understand if and when FMLA would apply.

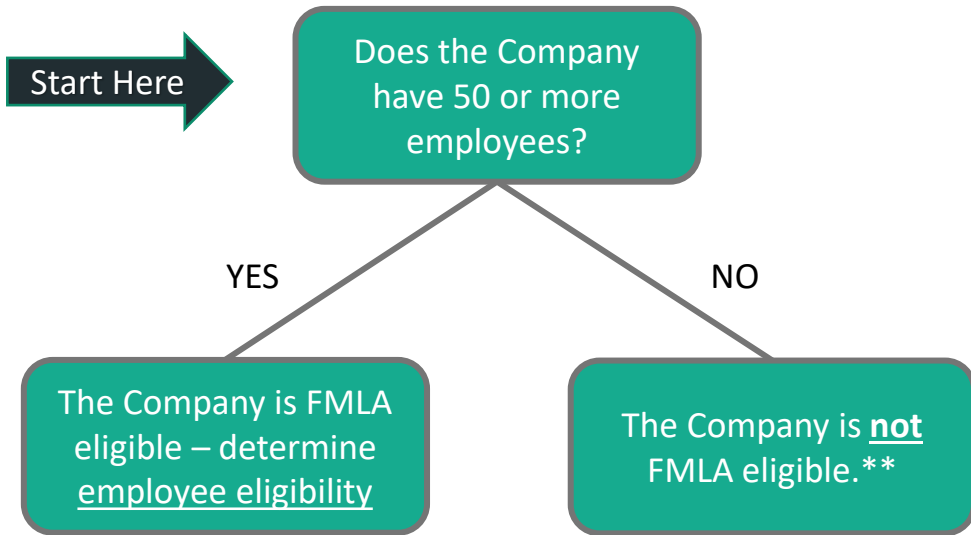
Note that there may be state-specific laws for family and medical leave. Employers are advised to check their state's specific laws and requirements for leave and be aware that an employee may be eligible for both FMLA and state leave. If an employee qualifies for state leave and FMLA, the leaves will usually run concurrently.

Qualifying Reasons

- **Serious health condition of the employee OR their:**
 - spouse
 - parent
 - child (under 18 or dependent adult)
- **Parental (baby-bonding) leave.**
- **Pregnancy disability leave.**
- **Foreign military leave for the employee's:**
 - spouse
 - child
 - parent
- **Military caregiver leave (*up to 26 weeks of leave*).**

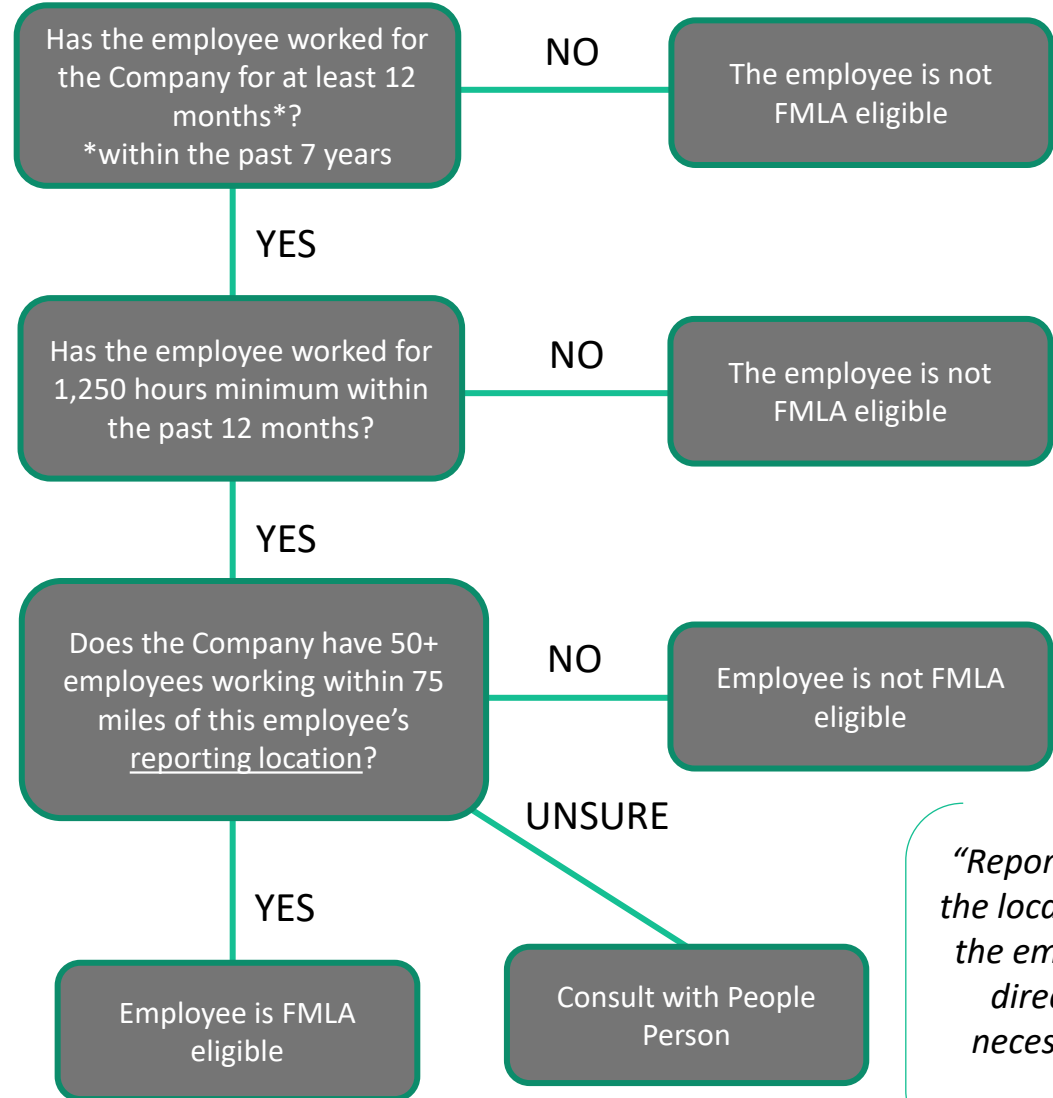
Determining FMLA Eligibility

Company Eligibility



**If the employee is not eligible for FMLA, you may offer them a medical leave of absence as a reasonable accommodation under the Americans with Disabilities Act (ADA). The ADA covers employers with 15+ employees.

Employee Eligibility**



"Reporting location" is the location from where the employee receives direction, but not necessarily their job location.

Intermittent Leave

In most cases, an employee may take FMLA intermittently, which allows them to be away from work in a reduced, periodic, or occasional manner, rather than taking a continuous, uninterrupted block of time off. Intermittent leave can be as short as a few hours or days at a time, as needed based on the medical condition or circumstances. It is particularly valuable for employees and their family members dealing with chronic illnesses, medical treatments, or other situations where continuous leave is not necessary but periodic absences are required.

Intermittent leave is generally not permitted for the birth of a child, to care for a newly born child, or for placement of a child for adoption or foster care; such leave must be taken in at least two-week increments.

Next Steps Once Eligibility Is Confirmed

If you have determined an employee is eligible for protected leave under FMLA, the next steps are as follows:

- **A letter to the employee explaining the following:**
 - Their eligibility under FMLA (keep in mind any state leaves which may run concurrently).
 - Request a completed Certification Form (link on next page) based on their leave type in order to properly qualify their leave and document the dates of their leave. Parental leave does not require a Certification Form.
 - Provide the blank Certification Form to the employee
 - Employees must be provided with a minimum of 15 calendar days to return this completed form.
 - Breakdown of health insurance premiums owed during leave
- Along with this letter, you must also provide them with a **completed Notice of Rights and Responsibilities**
 - This notice explains their rights while on job-protected leave and outlines their responsibility regarding health insurance payments during leave (if applicable).
 - Employers must maintain the health insurance of employees on protected leave as though they were still working. This means making all payments you'd normally make each payroll cycle. The employee can be asked to pay their usual payroll deduction for health insurance while on leave.

Required forms
on next page



Necessary Forms

Provide the employee with their applicable forms as outlined below:

[Notice of Rights and Responsibilities](#) (fill out before providing)

Certification Forms

Medical Leave: [Certification of Healthcare Provider](#)

Military Leave: [Certification for Qualifying Exigency](#)

Military Leave: [Certification for Serious Injury or Illness of a Current Servicemember](#)

Military Leave: [Certification for Serious Injury or Illness of a Veteran](#)

Next Steps Once Eligibility Is Confirmed (cont.)

After the employee has returned their properly completed Certification Form, be sure to inform them (in writing) that leave is approved, the confirmed dates of their leave, and provide them with information about when they are expected back at work (if known).

If you have any questions regarding FMLA
or have an employee needing leave,
please don't hesitate to reach out to us.



A very *human* resource™

Contact Us:

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