

# FAMILY AND MEDICAL LEAVE ACT (FMLA)

## Frequently Asked Questions

The Federal Family and Medical Leave Act (FMLA) was passed to help eligible employees balance work and family obligations. The law provides employees with job protection while they recover from a serious illness/injury or care for family members. Employees are entitled to return to their same or an equivalent position at the end of their FMLA leave.

FMLA leave is **unpaid** time away from work. In most cases, you can use accrued time off (like vacation time or disability bank) to receive pay while you're away. For serious health conditions, eligible employees may have disability benefits.

### Eligibility

#### Does FMLA apply to my employer?

It does if your employer has at least 50 or more employees within a 75-mile radius of your worksite.

#### Do I qualify for FMLA?

To be eligible, you must:

- Work for a covered employer
- Have worked for your employer for at least 12 months
- Have worked a minimum of 1,250 hours during the prior 12-month period. The hours requirement does not include vacation, sick time, unpaid leave, etc.

#### How much time is allowed under FMLA?

If you are eligible, you are allowed up to a total of 12 weeks of *unpaid*, job-protected leave in a rolling 12-month period.

### Qualifying Conditions

#### Under what circumstances can I apply for FMLA?

You can take FMLA leave for one or more of the following reasons:

- For the birth of your child and to bond with that newborn child
- For the placement of a child for adoption or foster care in your care and to bond with that child
- To recover when you are unable to work due to a serious health condition
- To care for an immediate family member with a serious health condition — includes spouse, children, and parent unless state law provides otherwise.

The FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness.



### **What is considered a serious health condition?**

The most common serious health conditions that qualify for FMLA leave are:

- Conditions requiring an overnight stay in a hospital or other medical care facility
- Conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider or a single appointment and follow-up care such as prescription medication)
- Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest)

### **Can I use FMLA leave due to my chronic serious health condition?**

Yes, you may use FMLA leave for any period of incapacity or treatment due to a chronic serious health condition. A chronic health condition is one that:

- Requires periodic visits (defined as at least twice a year) for treatment by a health care provider
- Continues over an extended period of time, and
- May cause episodic rather than continuing periods of incapacity

### **Do I have to take my leave all at once or can I take it just when I need it?**

When medically necessary, you may take your leave intermittently. You must work with your manager and HR to schedule your leave to reduce interruption to the business.

- Take your leave in separate blocks of time for a single qualifying reason
- Take a reduced schedule, meaning work fewer days in a week or shorten your workdays

Per the Parental & Family Leave policy, birth and bonding leave must be used within the first 12 months after birth, adoption, or foster placement. See the policy for details.

## **Certification for Leave**

### **When do I apply for FMLA leave?**

For planned leaves, you must give a 30-day notice. For unforeseeable leaves, you must provide notice same day or the next day, or as soon as possible.

### **Am I required to show proof of a serious health condition?**

Yes, you must provide certification issued by a health care provider of your serious health condition or that of your immediate family member. You have 15 calendar days to obtain and submit the medical certification.

### **What happens if my medical certification is incomplete?**

If your certification requires additional information, you will receive specific information in writing explaining what is required to make the certification complete. You are given seven calendar days to secure the information.

### **Can I be required to get a second opinion?**

You may be required to get a second or third opinion (at your employer's expense) if there is reason to doubt the validity of the medical certification.

### **Do I have to share my medical records with my employer?**

No, you are only required to provide a medical certification containing sufficient medical information to establish that a serious health condition exists.



**How often may I be asked for medical certifications for an on-going serious health condition?**

The law allows for recertification every 30 days in connection with an employee absence unless the condition will last for more than 30 days.

