

The Family and Medical Leave Act (FMLA) is a 1993 federal law. It requires covered employers to give eligible employees time off work, without penalty, for specified family and medical reasons. The stated purposes of the law: balance the demands of the workplace with the needs of families; promote stability and economic security of families and promote national interests in preserving family integrity.

Who is covered by FMLA?

The FMLA only applies to employers and employees that meet certain criteria. If an employer meets the criteria they are called “covered” employers. Not all employers are covered and not all employees are eligible. The following chart shows the FMLA criteria for covered employers and eligible employees.

Employees	Employers
<ul style="list-style-type: none"> You must work for a covered employer You must have worked for this employer for at least 12 months.* You must have at least 1,250 hours of service for the covered employer during a 12 month period immediately prior to the request for leave. You must work at a location where the covered employer has at least 50 employees within 75 miles. If you are an airline flight crewmember or flight attendant, special hours of service eligibility may apply. Additional information is available at www.dol.gov/whd/fmla. <p>*Twelve months of employment do not have to be consecutive. This means any time previously worked for the same covered employer (including seasonal work) may meet the 12 month requirement.</p>	<ul style="list-style-type: none"> Private-sector employers must have 50 or more employees on the payroll for 20 work weeks during the current or preceding calendar year. (To determine if your employer is covered, find out how many employees are on the payroll, including those on leave and working part-time) A public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs. A public or private elementary or secondary school, regardless of the number of employees it employs.

What does FMLA guarantee employees?

- The right to take time off. Employees will use annual leave or leave without pay in most situations, and sick leave in certain circumstances
- The right to retain the job and its benefits. An employer may not discontinue or change an employee’s benefits. An employer may not discontinue or change an employee’s benefits, change job rights or take disciplinary action against the employee for taking leave covered by FMLA.
- The right to be informed. An employer is required by the FMLA to inform employees that they have a right to leave under the law, and to inform employees whether any leave they have requested is covered by the FMLA.

Specified reasons for leave entitlement

- For the birth of a child and to care for the newborn child
- For the placement of a child with you for adoption or foster care and to care for the newly placed child
- To care for a spouse, child, or parent with a serious health condition (does not include parent-in-law)
- When the employee is unable to work because of a serious health condition including pregnancy
- For any qualifying demand arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status

How much leave can be taken?

FMLA allows the employee to take either family leave, or medical leave or both up to a total of 12 work weeks per year. The 12 weeks need not be taken all at once. The time may be taken in separate blocks or intermittently, depending on the situation.

Will employees be paid while on family or medical leave?

FMLA does not require covered employers to pay employees during leave. The act only requires unpaid leave be given to eligible employees. However, employees can use any accrued paid annual leave and, in some circumstances, accrued paid sick leave for some or all of the FMLA leave.

What are the employee's responsibilities?

To provide 30 day advance notice of the need to take FMLA, when the need is foreseeable and such need is practicable.

Employers may require

- Medical certification supporting the need for leave due to a serious health condition affecting you or your spouse, child, or parent. You do not have to provide medical records
- Second or third medical opinions (at the employer's expense) and periodic recertification
- Periodic reports during the FMLA leave regarding the status of the leave and intent to return to work.

Related Resources

- FMLA Guidance from the [United States Department of Labor](#)
- Iowa Workforce Development, call (800) 562-4692 or visit www.iowaworkforcedevelopment.org