

## **Legal - FMLA**

### **FAMILY AND MEDICAL LEAVE ACT [FMLA] [\*\*May not pertain to your ministry, check local state laws.]**

#### **Synopsis of FMLA**

FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and, protection for employees who request or take FMLA leave.

#### **Employer Coverage**

FMLA applies to all:

- public agencies, including state, local and federal employers, local education agencies (schools) and;
- private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce including joint employers and successors of covered employers.

#### **Employee Eligibility**

To be eligible for FMLA benefits, an employee must:

- work for a covered employer;
- have worked for the employer for a total of at least 12 months;
- have worked at least 1,250 hours over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles.

#### **Leave Entitlement**

A covered employer must grant an eligible employee up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth or placement of a child for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

#### **Notice and Certification**

Employees seeking to use FMLA leave may be required to provide:

- 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- second or third medical opinions and periodic re-certifications and period reports during FMLA leave regarding the employee's status and intent to return to work.