

Five Fast Facts About FMLA

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The federal [Family and Medical Leave Act](#), or FMLA, provides eligible employees with unpaid, job-protected leave for certain family and medical reasons. The FMLA helps employees balance the demands of their jobs with health needs and family commitments. As an employer, you need to know whether, when, and how FMLA applies to your company so you can stay in compliance with the law.

FMLA is a detailed topic, but these five fast facts can help guide you through the basics:

1. FMLA Only Applies to Certain Employers.

FMLA applies only to certain groups, including: private sector employers who employ 50 or more workers for 20 or more workweeks in the current or preceding calendar year; public agencies; and private and public elementary and secondary schools regardless of size. However, even if your company doesn't fall under federal FMLA requirements, you may still be subject to state FMLA laws, which often include companies of smaller sizes.

2. Only Certain Employees Are Eligible for FMLA.

To be eligible for FMLA leave, an employee must: work for a covered employer; have worked for that employer for at least 12 months; have at least 1,250 hours of service for the employer during the 12 months immediately prior to the start of FMLA leave; and work at a location where the employer has at least 50 employees within a 75-mile radius.

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3. FMLA Offers Specific Guarantees.

FMLA requires covered employers to provide up to 12 weeks of unpaid leave in a 12-month period for certain reasons, including the birth and care of a newborn or newly adopted child; to care for an immediate family member with a serious health condition; and when the employee is unable to work because of a serious health condition. FMLA also provides special family military leave entitlements. A covered employer is required to maintain group health insurance coverage—including family coverage—for an employee on FMLA leave on the same terms and conditions as if the employee had continued to work. Upon return from FMLA leave, an employee generally must be restored to his or her original job or to an equivalent job.

4. No Special Language is Needed to Request FMLA.

When requesting leave for the first time for an FMLA-qualifying reason, an employee does not need to specifically mention FMLA. The employee should give a verbal notice sufficient to make the employer aware of the need for FMLA-qualifying leave, but in all cases the employer should inquire further of the employee to gather more information about whether FMLA leave is being sought and to obtain necessary details. Of course, there are many instances, such as the birth of a child or scheduled medical treatment, where both the employer and employee know and plan specifically for FMLA leave.

5. Covered Employers Have Notice Requirements.

Among other things, employers covered by FMLA are required to post information in the workplace explaining the rights and responsibilities under the law, and to formally respond to any request for FMLA leave (or when the employer obtains knowledge that the leave may be for an FMLA-qualifying reason) within five business days, even if that request doesn't qualify for FMLA.

While FMLA does take some time to administer, it has proven to be well worth the effort. According to a U.S. Department of Labor study, employers say that complying with FMLA is relatively easy. FMLA may also have a positive impact on employee absenteeism, turnover, and morale. Successful administration of FMLA depends heavily on understanding the qualifying reasons for leave and gathering supporting documentation.

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