**FMLA Entitlements**

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The FMLA only applies to employers that meet certain criteria.

A **COVERED EMPLOYER** is a:

• Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer; or

• Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or

• Public or private elementary or secondary school, regardless of the number of employees it employs.

**ELIGIBLE EMPLOYEES** are:

• Those that works for a covered employer;

• Those that have worked for the employer for at least 12 months;

• Those that have at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave\*; and

• Those that work at a location where the employer has at least 50 employees within 75 miles.

\* Special hours of service eligibility requirements apply to airline flight crew employees. See Fact Sheet 28J: [Special Rules for Airline Flight Crew Employees under the Family and Medical Leave Act.](https://www.dol.gov/whd/regs/compliance/whdfs28j.pdf)

**LEAVE ENTITLEMENT:**

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

• The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;

• To care for a spouse, son, daughter, or parent who has a serious health condition;

• For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or

• For any qualifying exigency 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. An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.  See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: [The Military Family Leave Provisions under the FMLA.](https://www.dol.gov/whd/regs/compliance/whdfs28f.pdf)

Eligible employees must comply with the employer’s usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

**Covered employers must:**

* Post a notice explaining rights and responsibilities under the FMLA (and may be subject to a civil money penalty of up to $110 for willful failure to post);
* Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
* When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning his or her eligibility for FMLA leave and his or her rights and responsibilities under the FMLA; and
* Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee’s FMLA entitlement.

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA.

If you are a member of Catapult, feel free to contact the Advice Team for a deeper dive into this subject or any other HR matter at 866-440-0302.

Written by a Catapult Advisor