**Ask an HR Advisor: FMLA and Holidays**

**Q:** Do holidays count as part of FMLA leave?

**A:** The regulations are clear on this issue but depend upon whether the employee is taking full weeks of FMLA or if the leave is in increments of less than a full workweek.

The regulations under Employee Leave Entitlements under the Family and Medical Leave Act, Amount of Leave - 29 CFR 825.200 (h) state:

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee’s FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

In addition, a number of businesses have temporary shutdowns over the holidays. This is addressed by 29 CFR 825.200 (h), which states:

If the employer’s business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks, the days the employer’s activities have ceased ***do not*** count against the employee’s FMLA leave entitlement.

For more information on FMLA Leave Entitlement, call Catapult’s Advice team at 919-878-9222.

Written by a Catapult Advisor