

FMLA (Family & Medical Leave)

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The [Family and Medical Leave Act \(FMLA\)](#) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:

- for the birth and care of the newborn child of an employee;
- for placement with the employee 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.

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

A final rule effective on January 16, 2009, updates the FMLA regulations to implement new military family leave entitlements enacted under the National Defense Authorization Act for FY 2008.

Special rules apply to employees of local education agencies. The Department of Labor administers FMLA; however, the [Office of Personnel Management \(OPM\)](#) administers FMLA for most federal employees.

DOL Web Pages on This Topic

[Compliance Assistance: Family and Medical Leave Act \(FMLA\)](#)

Links to various sources of information about FMLA.

[Fact Sheet on FMLA](#)

Covers the major requirements of FMLA and updates to the FMLA regulations.

[FMLA Compliance Guide](#)

Summarizes FMLA provisions and regulations and provides answers to the most frequently asked questions.

[eLaws FMLA Advisor](#)

The FMLA Advisor provides information about employee eligibility under the law; including valid reasons for leave; employee/employer notification responsibilities; and employee rights and benefits.

[The FMLA Poster](#)

All covered employers are required to display and keep displayed a poster prepared by the Department of Labor summarizing the major provisions of the FMLA.

Laws & Regulations on This Topic

Regulations

[29 CFR Part 825](#) - The Family and Medical Leave Act

[Employee Leave Entitlements](#): Reduced or intermittent leave to care for parent, other family member or service member.