

FMLA Question & Answers

1. How much leave am I entitled to under FMLA?
 - a. If you are an “eligible” employee, you are entitled to 12 weeks of leave for certain family and medical reasons during a 12 month period.
2. How is the 12-month period calculated under FMLA?
 - a. Employers may select one of the four options for determining the 12-month period.
 - i. The calendar year
 - ii. Any fixed 12 month “leave year” such as fiscal year, a year required by State law, or a year starting on the employee’s anniversary date;
 - iii. The 12-month period measured forward from the date any employee’s first FMLA leave begins; or
 - iv. A “rolling” 12-month period measured backward from the date an employee uses FMLA leave.
3. Does the law guarantee paid time off?
 - a. No. FMLA only requires unpaid leave. However, the law permits an employee to elect, or the employer to require the employee, to use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA leave period. When paid leave is substituted for unpaid FMLA leave, it may be counted against the 12-week FMLA leave entitlement if the employee is properly notified of the designation when the leave begins.
4. Which employees are eligible to take FMLA leave?
 - a. Employees are eligible to take FMLA leave if they have worked for their employer for at least 12 months, and have worked for 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.
5. Do the 1,250 hours include paid leave time or other absences from work?
 - a. No. The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA, are not included.
6. How do I know if my absence from work is considered FMLA or if I am eligible?
 - a. If you are going to be absent from work for more than 3 days for a serious medical condition or an immediate family emergency, employees need to contact Human Resources to determine FMLA eligibility and adequate record keeping maintaining federal regulated compliance.