

Family & Medical Leave Act

The Family and Medical Leave Act (FMLA) is a 1993 federal law that requires many employers to give employees time off work without penalty to deal with serious family and medical problems. The FMLA's primary stated purposes are to: balance the demands of the workplace with the needs of families, promote the stability and economic security of families, and promote national interests in preserving family integrity. The FMLA guarantees employees:

- **The right to take time off**, using annual leave or leave without pay in most situations, and sick leave in certain circumstances.
- **The right to retain the job and its benefits.** An employer may not discontinue or change an employee's benefits, change his or her job rights, or take disciplinary action against the employee for taking leave covered by the FMLA.
- **The right to be informed.** An employer is required by the FMLA to inform employees that they have a right to leave under the law, and to inform employees whether any leave they have requested is covered by the FMLA.

Who is Covered by the FMLA?

Not everyone is covered. There are generally three conditions:

- Your employer must have 50 or more employees on the payroll for 20 work weeks during the current or preceding calendar year.
To determine whether your employer is covered, find out how many employees are on the payroll, including those on leave and working part-time.
- Your employer must have at least 50 employees within a 75-mile radius of your worksite.
- You must have worked for your employer for at least 12 months and for at least 1,250 hours during the last year.
If you worked 25 or more hours for 50 weeks in a year, you would have worked the required total of 1,250 hours. (Certain special rules also apply to teachers and highly paid "key" employees)

When can I take Family or Medical Leave?

- If you are having or adopting a baby;
- If your child, spouse, or parent has a serious health condition; or
- If you have a serious health condition, including pregnancy.

How much Leave can I Take?

FMLA allows you to take either **family leave**, or **medical leave**, or both, for up to a total of 12 weeks per year. The 12 weeks need not be taken all at once; the time off may be taken in separate blocks or intermittently, depending on the situation.

For more information call the Department of Labor's Wage and Hour Division:
1-866-487-9243

Will I get Paid while I'm on Family or Medical Leave?

The FMLA does not require your employer to pay you during leave. But if you have any accrued paid annual leave and, in some circumstances, accrued paid sick leave, the FMLA gives you the right to use that during your family or medical leave.

What are the Employee's Responsibilities?

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable.

Employers may require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member.
- Second or third medical opinions (at the employer's expense) and periodic recertification.
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

How do I Learn more about the FMLA?

Your employer can provide additional information; many families find that the human resources contact at their employer is an excellent resource.

Additional information and resources about the FMLA can be found at The United States Department of Labor's site, <https://www.dol.gov/general/topic/benefits-leave/fmla>.

Contact the US Department of Labor Wage and Hour Office directly:

Indianapolis District Office

US Dept. of Labor
ESA Wage & Hour Division
135 North Pennsylvania St. Suite 700
Indianapolis, IN 46204
TEL: (317) 226-6801 or 1-866-487-9243

Programs and systems change often. It is important to ensure that you are using the most current information. This fact sheet was updated December 2023. Please check <https://www.inf2f.org/fact-sheets.html> for the most recent edition.

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