

## **The Family & Medical Leave Act (FMLA) – The Basics for Leaders**

### **Eligibility:**

- Must be employed by covered employer (State is a covered employer)
- Must have worked for the State at least 12 months
- Must have at least 1250 hours of service during the 12 months prior to the date leave begins

### **Qualifying Leave Reasons:**

- For the birth or placement of a child for adoption or foster care
- To care for a spouse, son, daughter, or parent with a serious health condition
- For their own serious health condition
- Military Family Leave

### **Amount of Leave:**

- Up to 12 weeks (480 hours)

### **Substitution of Paid Leave:**

- Employees can choose to use paid leave (sick, vacation, or comp time) concurrent with FMLA. "Substitution" means paid leave provided by the employer runs concurrently with unpaid FMLA leave

### **Designation of FMLA is not optional:**

- Once the potential need for FMLA is established, neither the employee nor the employer may waive FMLA designation
- FMLA designation is NOT optional for the employer or the employee

### **Bottom Line:**

- You do not need to know everything about FMLA or how it works
- If you don't know, just report it. HR will make the determination
- Report any activity that may fall under FMLA:
  - Employee is out for 3+ days
  - Employee calls in consistently with a recurring condition (headaches, backaches, etc.)
  - Employee says they have a scheduled surgery coming up
  - Employee says they will soon be having a baby
  - Employee says they are going to be caring for a family member