

FMLA

FREQUENTLY ASKED QUESTIONS

Q: Who qualifies for FMLA?

A: If your employer has at least 50 employees within 75 miles of where you work, you've worked for them for at least 12 months and for at least 1250 hours during that 12-month period you are eligible for FMLA.

Q: How does FMLA protect me?

A: If you are qualified (see first question) and you or a family member has a serious health condition, you can take up to 12 weeks of leave in a 12-month period. During your leave your job is protected and your health insurance continues, even if you are in an unpaid status.

Q: Who in my family is covered under FMLA?

A: You can take FMLA for yourself, your spouse, son, daughter or parent. Note that in some states this list may be expanded under state leave laws.

Q: What is a 'serious health condition'?

A: There are six conditions that qualify as a serious health condition:

- Mental or physical conditions or illnesses involving care in a medical facility **overnight**, plus any subsequent incapacity and treatment.
- Disability caused by pregnancy or childbirth or absence for prenatal care. If both parents work for the same employer, FMLA limits the total time off for both to 12 weeks.
- Chronic conditions, for example asthma or diabetes where periods of illness may be sporadic.

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- A permanent or long-term incapacity when treatment may not be effective, for example because of a stroke or during the terminal stages of disease.
 - Any period of incapacity needed to receive multiple treatments.
 - Absence from work for more than **three consecutive days** and the illness requires “continuing treatment” by a health care provider at least twice. Continuing treatment by a health care provider means you or your family member have received treatment **once** in the first seven days of the absence and the **second time** within 30 days of the absence.

Q: How much notice am I required to give my employer?

A: You are required to provide reasonable notice which means that if it is foreseeable leave, for example scheduled surgery, you should submit the appropriate paperwork 30 days in advance. If the situation is unforeseen, an accident or a sudden illness, ‘as soon as practicable’ has been interpreted to mean giving at least verbal notice within 24 hours after the need for leave is known.

Q: Can my employer require a doctor’s note?

A: Yes. The employer can ask you to have your doctor fill out FMLA paperwork confirming that you or a family member have a serious health condition. They can also ask for a second opinion but in that case the employer must pay the expenses.

Q: Can my employer talk directly to my doctor?

A: Your employer may make direct contact with your physician to seek “clarification and authentication” of medical certifications. BUT employers can initiate such contacts only through “a health care provider, a human resources professional, a leave administrator, or a management official.” Under no circumstances may your direct supervisor contact your health care provider.

Q: Can I get in trouble for using FMLA?

A: No. The law prohibits reprisals or retaliation for using federal or state leave laws. Employers may not interfere with, restrain, or deny exercise of family leave rights.