

Family Medical Leave Act (FMLA) – FAQ for Workers

What is the Family Medical Leave Act (FMLA)?

The Family Medical Leave Act is a federal law that allows eligible employees to take up to 12 weeks of unpaid, job-protected leave each year.

When is it appropriate to request leave under the FMLA?

You can claim FMLA leave if you or a close relative (your child, spouse, or parent) require care because of a serious medical condition.

Is my employer required to offer FMLA leave?

Not necessarily. Private employers with more than 50 employees and all public agencies regardless of number of employees are required to offer FMLA.

Do I qualify for FMLA leave?

In order to qualify, you must have worked for your employer for a) at least 12 months in the past 7 years **or** b) 1,250 hours in the past 12 months.

How long can FMLA leave last?

You can take FMLA leave for 12 weeks (continuously or intermittently). Employers can choose one of four 12-month periods: a calendar year; a 12-month period from the date you first take leave; a rolling 12-month period; or any other fixed 12-month period. Unused weeks do not roll over to the next 12-month period.

How is my health insurance coverage affected by taking FMLA leave?

If you have health insurance through your employer, this coverage remains in place. You (the employee) remain responsible for paying your portion of the insurance premium.

Is there a time frame in which I need to apply for leave under the FMLA?

Yes. Request FMLA leave as soon as you know you will need time off. Your clinic nurse can help you fill out FMLA forms and make sure they are signed by a physician. An employer can deny an FMLA leave request but must provide an appropriate reason for denial.

Do I have to tell my employer about my illness?

No. Although your employer is entitled to medical certification from a physician to verify your eligibility for FMLA leave, you do not have to specify your diagnoses.

Do I get paid through the FMLA?

No. The FMLA does not provide an income benefit.

How does paid time off (PTO) work with the FMLA?

You can use PTO or paid sick days at the same time as FMLA leave in order to maintain your income.

Can I lose my job while taking FMLA leave?

Your employer must reinstate you to the same (or an equivalent) job following your FMLA leave. Some professions, such as military service members and airline flight crews, have special rules under the FMLA.

Additional Resources:

- Triage Cancer: [triagecancer.org](https://www.triagecancer.org)
- Department of Labor: [dol.gov/agencies/whd/fmla](https://www.dol.gov/agencies/whd/fmla)