

FEDERAL

Employment Laws

United States Department of Labor, Wage and Hour Division

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME



WH1420

REV. 04/2023



TWO ways to verify poster compliance!

QR CODE Scan with phone camera:



OR

ONLINE Go to: JJKeller.com/LLPverify
Enter this code: 72717-042023

URGENT – POSTING INSTRUCTIONS

Display the posting on the reverse side, next to your labor law poster.

Mandatory posting updates are being released by the Department of Labor (DOL) and Equal Employment Opportunity Commission (EEOC):

- The DOL has made a mandatory change to the ***Employee Rights Under the Fair Labor Standards Act (FLSA)*** posting to reflect an update required by the ***Provide Urgent Maternal Protections (PUMP) for Nursing Mothers Act***. **Effective April 28**, employers must display this updated poster.
- The EEOC is expected to make a mandatory change to the ***Know Your Rights*** poster with information about the ***Pregnant Workers Fairness Act*** on **June 27**.
- The DOL has made formatting changes to the ***Family and Medical Leave Act (FMLA)*** poster. Employers remain compliant with the previous version of the FMLA poster, but may display the April 2023 version if they wish.

The federal poster from J. J. Keller & Associates will be updated with *all three* postings when the *Know Your Rights* posting becomes available after June 27. In the meantime, please display the posting on the reverse side, next to your labor law poster. The Department of Labor has said this is compliant and meets posting requirements because of the June release date for the *Know Your Rights* poster.

What should you do now?

Display the posting on the reverse side next to your poster.

- **Update Service Subscribers:** When your updated poster arrives after June 27, the temporary postings and the outdated poster can be discarded.
- **Poster Only Customers (No Update Service Subscription):** If you have 15 or more employees, purchase a new poster after the updated EEOC posting becomes available on June 27. Call **800-327-6868** or visit **JJKeller.com/LawPosters** to order.

Thank you for your attention to this matter. We value our customers and are committed to keeping you compliant with posting regulations.