EMPLOYEE RIGHTS UNDER THE
FAMILY AND MEDICAL LEAVE ACT

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-
protected leave in a 12-month period for the following reasons:
• The birth of a child or placement of a child for adoption or foster care;
• To bond with a child (leave must be taken within 1 year of the child’s birth or placement);
• To care for the employee’s spouse, child, or parent who has a qualifying serious health
condition;
• For the employee’s own qualifying serious health condition that makes the employee unable to
perform the employee’s job;
• For qualifying exigencies related to the foreign deployment of a military member who is the
employee’s spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise
permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA
leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with
the employer’s normal paid leave policies.

BENEFITS & PROTECTIONS
While employees are on FMLA leave, employers must continue health insurance coverage as if
the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly
identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual’s FMLA rights or retaliate against someone for
using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being
involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three criteria in order to be eligible
for FMLA leave. The employee must:
• Have worked for the employer for at least 12 months;
• Have at least 1,250 hours of service in the 12 months before taking leave;* and
• Work at a location where the employer has at least 50 employees within 75 miles of the
employee’s worksite.

*Special hours of service eligibility requirements apply to airline flight crew
employees.

REQUESTING LEAVE
Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is
possible to give 30-days’ notice, an employee must notify the employer as soon as possible.

An employer may require employees to provide medical certification within 2 business days
of giving notice of the need for leave.

If the employee is unable to get medical certification in person, an employer may require an
employee to provide certification by mail or fax.

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EMLOYEE RESPONSIBILITIES
Employees must provide employers with all information necessary to administer FMLA leave.

Employers must inform employees of their rights and the process for requesting leave.

For additional information or to file a complaint:
1-866-4-USWAGE (1-866-487-9243)
TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV
U.S. Department of Labor
Wage and Hour Division

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