

FMLA (Family Medical Leave Act) can be a confusing law for many businesses because there are strict requirements and deadline for companies that are required to offer (or choose to offer) FMLA leave.

Because FMLA has very specific deadlines for certain notifications and reports, it is important that you notify A Plus Benefits immediately if you know an employee will be making a request for FMLA leave.

Here are some of the most common questions we receive about FMLA. For even more comprehensive information on FMLA, download our [FMLA Fact Sheet](#).

What is FMLA?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees (those who have worked for the employer for at least 12 months and worked at least 1,250 hours for the employer during the 12-month period immediately preceding the leave request; and is employed at a location where a covered employer has at least 50 employees within a 75-mile radius) with unpaid, job-protected leave for qualifying family members and qualifying medical reasons.

- FMLA provides eligible employees up to 12 work weeks of unpaid leave per year. Depending on the medical condition, employees may take the 12 weeks consecutively or intermittently.
- FMLA requires group employee benefits to be maintained during the leave as if the employee continued to work.
- Employees returning from FMLA leave are also entitled to return to their same or an equivalent job.

Who is required to offer FMLA?

The law considers the following to be “covered employers” under FMLA:

- Private employers with 50 or more employees in at least 20 weeks of the current or preceding calendar year.
- Public agencies, including Local, State, and Federal employers and local education agencies.

What if my business does not meet the FMLA requirements governed by law?

Employers may still choose to opt in and participate in FMLA even if you have less than 50 employees. Businesses who choose to opt in and offer FMLA to their employees would need to continue to offer it for at least a year before reevaluating their position.

Why would an employer choose to offer FMLA if they are not required to do so?

The only way an employee is able to continue group benefits offered through Helpside during a leave longer than 30 days is through FMLA. IF you would like your employees to be able to retain coverage and not have to complete a wait period upon returning from leave, you must opt in to FMLA.

Do I have to pay an employee while they are out FMLA leave?

No, FMLA provides unpaid leave. You may require or employees may choose to use accrued paid leave, paid vacation, paid personal time or other PTO (paid time off) to supplement income during all or part of the FMLA leave taken. Whatever you decide to do, make sure its detailed in our policy guide.

MORE RESOURCES:

[FMLA Fact Sheet](#)

[FMLA Webinar Link](#)
