

FMLA can be a confusing law for many businesses. There are strict requirements and deadlines for companies that offer FMLA leave. Because of this, notify Helpside immediately if an employee might need to miss work for **3 or more consecutive days** due to any of the following reasons: **their own health condition, the health condition of an immediate family member, the birth of a child or placement of a child for adoption.**

Here are some of the most common questions we receive about FMLA:

### What is FMLA?

The FMLA is a federal law that provides 12 weeks of unpaid leave for an employee's own or a family member's serious health condition, for the birth or adoption of a child and for military exigencies. The law also provides 26 weeks for Military Caregiver Leave. To be eligible for FMLA leave, an employee must:

- Have a qualifying medical reason
- Work a total of 12 months for the employer within the last 7 years
- Work at least 1,250 hours in the last 12 months prior to the start of leave
- Work for a covered employer

### Who is required to offer FMLA?

Employers must offer FMLA to their employees if they are either:

- A private employer with 50 or more employees employed within a 75-mile radius in at least 20 weeks of the current or preceding calendar year
- A public agency, including Local, State, and Federal employers and local education agencies

### Can employers offer FMLA if not required 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?

Offering FMLA to your employees can be beneficial in several ways. Employees will view this as an additional benefit provided by your company, and it is the only way an employee is able to maintain employer sponsored benefits during a leave longer than 30 days. Offering FMLA can limit your risk of discrimination law suits.

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

No, FMLA provides unpaid leave. You may require employees to use accrued PTO concurrently during their FMLA leave. Whatever you decide, make sure its detailed in your policy guide. If your employee is on benefits, you are required to maintain those benefits during the period they are on leave. Once the employee returns, employers can require employees to reimburse any premiums paid on their behalf while on leave.

### MORE RESOURCES:

[FMLA Fact Sheet](#)

[FMLA Webinar Link](#)

Document History:	Document Type: FMLA	Implementation Date: 01/01/2018	Version: 1.1	Last Revised: 03/05/2019	Page Number: 1
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