Family Medical Leave Act (FMLA)

Covered Employers

- Employers that employ 50 or more employees in 20 or more work weeks in the current or previous calendar year (private and public employers).

Eligible Employees

- Must work for a covered employer.
- Worked for the covered employer for at least 12 months and have at least 1,250 hours of service during the 12 months period immediately before taking FMLA.
- Employee must also work or have work assigned from a worksite that employs at least 50 employees within 75 miles of assigned worksite.

Qualifying Reasons for Leave

- Eligible employees can take up to 12 weeks leave in a 12-month period for:
  - Birth of a child or placement of a child for adoption/foster care.
  - Employee's serious health condition including pregnancy and prenatal care.
  - Care for spouse, child or parent with serious health condition.
  - Care of a service member including exigency leave.

Serious Health Condition

- Illness, injury, impairment, or physical or mental condition.
- Involves inpatient care or continuing treatment by a health care provider; and
- Three or more consecutive, full calendar days and subsequent treatments.

Employer Notices

- FMLA poster must be posted in the workplace in places easily visible to employees.
- General Notice must be included in the Employee Handbook, Summary Plan Description, and Wrap document, if applicable.
- Eligibility notice needs to be provided the first time of leave in each 12-month period.
- Must be in language appropriate to the employee.
- Rights and Responsibilities must also be provided at time of FMLA leave.

Group Health Plan (GHP) Requirements While on FMLA

- Employer must maintain same coverage as active employees.
- Applies to major medical, dental, vision, prescription, and health FSA.
- Employees have the same HIPAA special enrollment rights as active employees.
- Employee may choose to drop coverage while on FMLA.
- Upon returning to work, employee must be restored to equivalent benefits, pay, and other terms and conditions of employment.

Payment of Premium

- Employer must offer at least two options for the premium to paid in these ways:
  - Prepay before leave commences (cannot be sole option).
  - Pay as you go, with after-tax dollars.
  - Catch-up when employee returns from leave.

Employer Can Terminate Coverage if More Than 30 Days Late

- Must give written notice to the employee at least 15 days before terminating coverage.
- Termination date must be at least 15 days after the date of the letter, unless payment has been received by a specified date.