



Mineral



Question of the Week

MAY 03, 2023

Question

How do we know if we're required to provide FMLA for our employees?

ANSWER

The Family and Medical Leave Act (FMLA) provides covered employees job-protected, unpaid leave for family or medical related reasons, such as to care for a sick family member or the birth or adoption of a child. Private sector employers that have 50 or more employees for at least 20 workweeks (does not have to be consecutive) in the current or preceding calendar year are required to provide FMLA to eligible employees.

When counting your employees, include any employee whose name appears on your payroll any working day of a calendar week, regardless of whether they received compensation for the week.

Once your organization meets the 50-employees-for-20-workweeks threshold, it remains covered until it reaches a point in the future when it has no longer employed 50 employees for 20 (nonconsecutive) workweeks in the current and preceding calendar year.

It's important to note that public agencies and local educational agencies (such as school boards and public/private elementary and secondary schools) are covered by FMLA regardless of the number of employees.

You can find more FMLA-related information and example paperwork on the platform.

This Q&A does not constitute legal advice and does not address state or local law.