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The Family and Medical Leave Act (FMLA) allows eligible employees of covered employers to take unpaid leave for certain family and medical reasons. Specifically, under the federal law, employees are entitled to up to 12 weeks of FMLA leave in most cases and up to 26 for military caregiver leave. And it doesn't have to be taken all at once; an employee can take leave in a period of weeks, days, hours or even less depending on the increments allowed for different types of leave at the workplace.

And that's where things can get tricky. That's because only the amount of leave an employee actually takes can be counted. So if they work less than a full week, the amount of leave is determined as a proportion of the employee's actual workweek.

**Here are five steps to getting FMLA leave right:**

**1**

**Determine Eligibility.** Only eligible employees may take FMLA leave, meaning those that have worked for a covered employer for at least 12 months and have at least 1,250 hours of service. A covered employer means a private-sector employer with 50 or more employees in 20 or more workweeks in a calendar year; public/governmental agency; or public or private elementary or secondary school.

**2**

**Communicate Allowable Reasons for Leave.** Make sure employees understand what constitutes an FMLA-qualifying reason: the birth of a child or placement of a child with the employee for adoption or foster care, for a serious health condition or for any qualifying exigency arising from a spouse, child or parent on active duty. Under law, you must post a notice explaining the rights and responsibilities under the FMLA and include information about it in the employee handbook.

**3**

**Require Notification.** Employees must comply with an employer's usual requirements for requesting leave and provide enough information for the employer to determine whether FMLA applies. Generally, employees must request 30 days in advance of foreseeable leave; when the leave is foreseeable less than 30 days in advance or unforeseeable, notice must be provided as soon as possible and practicable.

**4**

**Track Leave.** Track time taken against the 12-week entitlement. If continuous, track the time in whole-week increments; each week missed is counted as 1/12th of the total entitlement. If intermittent, determine how many hours the employee is entitled to in total and record the time they miss on an hour-by-hour basis. So take the number of hours the employee normally works in a week and multiply that by 12 (e.g. if they work 30 hours, then they would be allowed 360 hours). If an employee's hours vary, then go back 12 months from the start of their leave and calculate the weekly average and multiply it by 12.

**5**

**Consider Accrued Paid Leave.** Since FMLA leave is unpaid, an employee may request, or an employer may require the employee, to use accrued paid vacation leave, sick time, or personal time for some or all of the FMLA leave period.