Employee Rights and Responsibilities
Under the Family and Medical Leave Act

Eligibility Requirements

An employee is eligible for FMLA leave if the employee:

- Has been employed by the employer for at least 12 months and has worked at least 1,250 hours during the previous 12-month period;
- Has worked for at least 17 out of the 22 work weeks immediately preceding the date on which leave is requested; and
- Has worked for at least 2,000 hours during the 12-month period ending on the beginning of the workweek in which leave is requested.

Eligible Employees

Eligible employees include:

- Employers with 50 or more employees;
- Employers with 50 or more employees and have been in business for at least 1 year;
- Employers with 50 or more employees and have been in business for at least 1 year and have been in business at least 20 days before the leave starts;
- Employers with 50 or more employees and have been in business for at least 1 year and have been in business at least 20 days before the leave starts and have 5,000 or more employees in the United States;
- Employers with 50 or more employees and have been in business for at least 1 year and have been in business at least 20 days before the leave starts and have 5,000 or more employees in the United States.

Definition of Serious Health Condition

A serious health condition is a condition that involves inpatient care in a hospital or other care facility or requires the existence of a mental or physical disability that significantly limits the ability to perform daily activities.

Use of Leave

An employee may use FMLA leave for the following purposes:

- To take leave to care for a spouse, child, or parent who has a serious health condition;
- To take leave to care for the employee's own serious health condition;
- To take leave to undergo medical treatment for a serious health condition;
- To take leave to attend a family member who is a covered military family member;
- To take leave to attend the employee's own serious health condition;
- To take leave to care for a spouse, child, or parent who is a covered military family member;
- To take leave to undergo medical treatment for a serious health condition;
- To take leave to attend a family member who is a covered military family member.

Substitution of Paid Leave

Employees may use paid leave in addition to FMLA leave. If an employee does not want to use paid leave, the employee must be informed of the employee's rights under FMLA.

Employee Responsibilities

Employees must provide their employer with information about the employee's FMLA leave. Employees must provide their employer with information about the employee's FMLA leave and any other information that is necessary to carry out the employee's FMLA leave.

Employer Responsibilities

Employers must keep records of FMLA leave and any other information that is necessary to carry out the employee's FMLA leave.

Unlawful Acts

Employees and employers are protected from unlawful acts that are prohibited by FMLA. Employees and employers are protected from unlawful acts that are prohibited by FMLA.

Enforcement

Employees may file a complaint with the U.S. Department of Labor if the employer violates federal law.

For additional information:

1-800-823-9400 (TTY 1-877-889-5627)
WWW.WAGEANDHEALTH.DOL.GOV

U.S. Department of Labor
Employment and Employee Administration
Federal Mine Safety and Health Administration

ENacted Under the Family and Medical Leave Act