

Family Medical Leave Act: What Every Business Needs to Know

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What is the Family Medical Leave Act and why is it important?

The Family Medical Leave Act, also known as FMLA is a law enacted in 1993 which states that qualified employees have the right to access an unpaid leave for a total of up to 12 weeks during any 12-month period, and in some circumstances, up to 26 weeks; (see “Recent Changes to the Family Medical Leave Act”). Certain employers are required to grant their employees access to unpaid leave due to the following reasons:

- * Caring for a child after Birth
- * The adoption of a child or becoming a Foster parent
- * The care of spouse, son, daughter, or parent with a serious health condition
- * An employee experiencing a serious health condition which affects his or her ability to do perform their job responsibilities
- * Care for family members in the military

During the leave period, employers must hold the employee’s job for them without any changes to the worker’s salary, work hours, or benefits.

Recent Changes to the Family Medical Leave Act

As of January, 2009, the Act permits a spouse, daughter, son, or next of kin to take up to 26 weeks of leave to care for a family member in the Armed Forces, Reserves or National Guard, who is going through medical treatment, therapy, or healing, or who is in an outpatient status or is otherwise on a temporary disability retired list due to a serious injury or sickness.

Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

What Types of Businesses are Required to Grant Family Medical Leave?

Any business with 50 or more employees who work within a 75 mile radius of the business must allow their employees access to family medical leave if the worker meets the eligibility requirements.

Which Employees Are Eligible?

To be eligible for FMLA benefits according to the Department of Labor, an employee must:

- * Work for a covered employer
- * Have worked for the employer for a total of 12 months; and have worked at least 1,250 hours over the previous 12 months
- * Work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

Are There Circumstances Where I Can Deny Family Medical Leave To My Employees?

If you operate a business with 50 or more employees and the employee meets the eligibility requirements, you cannot deny the leave.

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