



Care Partner Information

Tips for Providing Older Adult Care

Family Medical Leave Act

The Family Medical Leave Act, or FMLA, is a federal law that helps workers keep their jobs when they need time off for their own health condition, or the health of a family member.

FMLA can also be used to care for a spouse, child or parent with a serious health need. FMLA can't be used to care for a grandparent or in-law, or other relative.

FMLA Protects Workers

FMLA requires that employers make sure the person has their same job, or an equal job, when they return from leave. A job is "equivalent" if it has similar pay, hours, responsibility, job conditions, and job security to the previous job. Also, employers can't make decisions about a worker's hiring, promotion or discipline because of their use of FMLA.

When to use FMLA

In order to use FMLA to care for a family member, the worker's child, spouse or parent must have a "serious health condition." FMLA can't be used for common illnesses that only last a short time, such as a cold.

FLMA Medical Form

Employers can request that the worker or family member's doctor to fill out a form that explains the health condition. The table below lists the questions the doctor must answer about the worker's health.

FMLA medical forms ask doctors:
When the serious health condition began
If the person stayed overnight in a hospital or another health care center
If the person needs ongoing medical treatment
How long FMLA may be needed
If FMLA is needed all at once or a few days at a time

This Care Partner Information page is part of a series on older adult caregiving tips. They are written to help family and community caregivers, direct care workers and community health representatives care for older adults. Available in English and Spanish at www.aging.arizona.edu

Health Records are Private

Even if the employer asks for a doctor to complete the form, the person's health records are still private. The employee does not have to provide details about the health condition.

How to Request FMLA

Not everyone who works can use FMLA. To use FMLA, an employee must have:

- Worked for their current employer for a total of 12 months.
- Worked at least 1,250 hours in the past 12 months. This is at least 24 hours per week, on average.
- An employer that has more than 50 employees in a 75 mile radius. Government agencies, and public and private schools with fewer than 50 employees are also covered by FMLA.

Anyone interested in taking FMLA should talk to their employer's human resources or personnel department to see if they can request FMLA.

Most of the time, the employee is required to request leave at least 30 days before it is needed. In cases of a medical emergency, FMLA can be used with short notice.

FMLA is Not Paid Time Off

FMLA gives workers up to 12 weeks of unpaid leave each year. The 12 weeks can be taken all at once, or in smaller amounts of time. For example, if a parent with a serious illness needs help getting to monthly doctor's visits in a different city, a family caregiver can use a few days of FMLA each month to take them.

Workers with vacation or sick time can use it as part of FMLA, and will get paid for those hours. Under the law, employers may require that workers use all of their vacation or sick time before taking unpaid leave. Vacation and sick time taken under FMLA will count as part of the 12 weeks.

Worker's Benefits on Unpaid FMLA Leave

Health care benefits will continue as normal while on unpaid FMLA leave. If employees usually pay part of the cost of insurance, they will need to continue to pay this amount. This means employees on unpaid leave may have to send money to the employer to pay their portion, since it can't be deducted from their paycheck as usual.

Employees do not earn additional paid sick or vacation time while on unpaid leave for FMLA.

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