## **Family and Medical Leave Act (FMLA) policy template**

### **Brief & Purpose**

This policy outlines the guidelines for eligible employees to take unpaid leave under the Family and Medical Leave Act (FMLA) for certain family and medical reasons. [Organization Name]. is committed to providing its employees with a supportive work environment and ensuring that they can balance their work and family responsibilities.

### **Scope**

This policy applies to all full-time and part-time employees who have worked for [Organization Name]. for at least 12 months and have completed at least 1,250 hours of service in the previous 12 months.

### **Eligibility**

Employees are eligible for FMLA leave if they meet the following criteria:

1. Have worked for [Organization Name] for at least 12 months;
2. Have completed at least 1,250 hours of service in the previous 12 months;
3. Are unable to perform their job due to a serious health condition or a qualifying exigency related to a spouse, child, or parent's military service; or
4. Need to care for a family member with a serious health condition or a covered military member.

### **Types of leave**

The following types of leave are covered under FMLA:

1. Maternity and paternity leave;
2. Adoption leave;
3. Sick leave for the employee's own serious health condition;
4. Military caregiver leave;
5. Qualifying exigency related to a spouse, child, or parent's military service.

### **Notice requirements**

Employees must provide at least 30 days' advance notice for foreseeable FMLA leave, such as planned medical treatment or the birth or adoption of a child. For unforeseeable leave, such as a sudden illness or injury, employees must provide as much notice as possible, ideally within one business day. Employees must also provide documentation to support their request for FMLA leave, including a certification from a healthcare provider.

### **Job restoration**

Employees who take FMLA leave are entitled to be restored to their previous position or an equivalent position upon return from leave, provided they have been released by their healthcare provider to return to work.

### **Dispute resolution**

Any disputes or grievances related to FMLA leave will be resolved through a process established by [Organization Name] HR department. The process will include an opportunity for the employee to provide evidence and arguments, followed by a decision by the HR manager. If necessary, the dispute may be escalated to the employee relations committee for further review and resolution.

### **Confidentiality**

All information related to FMLA leave, including medical records and personal information, will be kept confidential to the extent possible. Only authorized personnel with a legitimate need to know will have access to this information.

### **Role of the HR Department**

The HR department is responsible for administering the FMLA policy, including processing requests, providing notices, maintaining records, and resolving disputes. The HR department will also ensure that all managers and supervisors understand their responsibilities under FMLA and this policy.
Prohibited Acts:

It is prohibited to interfere with an employee's exercise of FMLA rights, retaliate against an employee for exercising FMLA rights, or discriminate against an employee based on their use of FMLA leave.

### **Leave entitlement**

1. Eligible employees are entitled to up to 12 weeks of unpaid leave in a 12-month period for one or more of the following reasons:

* The birth and care of a newborn child (maternity and paternity leave);
* The placement of a child for adoption or foster care;
* The serious health condition of the employee or an immediate family member;
* Qualifying exigency related to a spouse, child, or parent's military service;
* Military caregiver leave to care for a covered family member with a serious injury or illness incurred in the line of duty on active duty;
* Health and safety concerns related to domestic violence, sexual assault, or stalking.

2. The 12-month period begins on the first day of the employee's first FMLA leave and ends 12 months later.
3. Employees may take FMLA leave intermittently or as a reduced schedule, subject to the approval of the HR manager.
4. Employees must provide at least 30 days' advance notice for foreseeable FMLA leave, such as planned medical treatment or the birth or adoption of a child. For unforeseeable leave, such as a sudden illness or injury, employees must provide as much notice as possible, ideally within one business day.
5. Employees must also provide documentation to support their request for FMLA leave, including a certification from a healthcare provider.
6. [Organization Name] reserves the right to require a second opinion from a healthcare provider at the company's expense, if necessary.
7. If an employee takes FMLA leave for a reason that is not covered by FMLA, such as a vacation or personal time off, the leave will be considered unauthorized and may result in disciplinary action.
8. Employees who are taking FMLA leave may be required to report periodically to the HR department regarding their status and expected return date.
9. Any employee who violates the terms of this policy or misuses FMLA leave may be subject to disciplinary action, up to and including termination of employment.
10. This policy complies with federal regulations and applies to all eligible employees, regardless of race, color, religion, sex, national origin, age, disability, genetic information, or any other protected characteristic under applicable law.

### **Responsibilities**

1. The HR department is responsible for administering this policy, including processing requests, providing notices, maintaining records, and resolving disputes.
2. Managers and supervisors are responsible for ensuring that employees understand their rights and responsibilities under FMLA and this policy.
3. Employees are responsible for providing timely notice of their need for FMLA leave and for following the procedures outlined in this policy.
4. All employees are prohibited from interfering with an employee's exercise of FMLA rights, retaliating against an employee for exercising FMLA rights, or discriminating against an employee based on their use of FMLA leave.
5. The HR manager will review and update this policy annually to ensure it remains current and effective.
6. Any employee who believes they have been denied FMLA leave or otherwise has a concern related to this policy should contact the HR department promptly.
7. [Organization Name] reserves the right to modify this policy at any time.

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