



FMLA Eligibility and Leave Qualification Worksheet

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FMLA ELIGIBILITY AND LEAVE QUALIFICATION WORKSHEET

<i>Employee Eligibility</i>	<i>Examples</i>
<p>All 3 must apply:</p> <p><input type="checkbox"/> At least 12 months company service (lifetime cumulative)</p>	<p>Covered</p> <p>✓ Employee has been with the company only 6 months, but had previously worked for the company for at least 6 months</p> <p>✓ Service occurring prior to a 7 year break in service is not counted unless break was due to USERRA-covered military service</p> <p>✓ Time served on military leave is counted</p>
<p><input type="checkbox"/> Worked at least 1250 hours in last 12 months – and -</p>	<p>✓ Exempt employees presumed to have worked 1250 hours, unless proved otherwise</p> <p>✓ Employee returning from military leave is credited with hours s/he would have worked had s/he not been on military leave</p>
<p><input type="checkbox"/> Works at site with at least 50 employees (within 75 mile radius)</p>	<p>✓ Employee works at hospital where 50 or more employees work, or employee works at small clinic with 45 employees but the hospital is less than 75 miles away</p>
<i>Absence due to Employee</i>	<i>Examples</i>
<p>1 of following must apply:</p> <p><input type="checkbox"/> Employee’s own health condition</p> <p><input type="checkbox"/> Employee’s need to care for spouse, child (under age 18, or age 18 or older with disability) or parent (in-laws not included) with a health condition</p> <p><input type="checkbox"/> Birth, adoption or foster placement of Employee’s child</p> <p><input type="checkbox"/> Qualifying exigency arising from spouse, child or parent active duty</p> <p><input type="checkbox"/> Employee’s need to care for spouse, child, parent, next of kin who was seriously injured or ill during active duty</p>	<p>Covered</p> <p>✓ Grandparent who raised employee is covered as a parent (in loco parentis)</p> <p>✓ Next of kin means nearest blood relative</p> <p>✓ May be taken before actual adoption/foster placement for required pre-placement activities</p> <p>Not Covered</p> <p>X Grandparents, brothers, sisters not covered (unless they raised the employee)</p>
<i>Health Condition (Employee/Spouse/Child/Parent) Involves:</i>	<i>Examples</i>
<p>1 of the following must apply:</p> <p><input type="checkbox"/> Overnight care at hospital or residential medical facility (or subsequent incapacity, recovery or treatment for such a condition)</p>	<p>Covered</p> <p>✓ Employee admitted to hospital for surgery on Day 1 and released on Day 2</p> <p>✓ Employee returning to work from surgery absent for follow-up visit 2 weeks after returning to work from surgery</p> <p>Not Covered</p> <p>X Employee in hospital for “day or outpatient” surgery (no overnight stay)</p>
<p><input type="checkbox"/> Inability to work/attend school/perform regular activities for more than 3 consecutive calendar days <u>plus</u> one of the following:</p> <p><input type="checkbox"/> 2 visits to health care provider within 30 days of first day of incapacity, the first of which is within 7 days of the first day of incapacity, or</p> <p><input type="checkbox"/> 1 visit to health care provider within 7 days of first day of incapacity resulting in regime of prescription medication or therapy</p>	<p>Covered</p> <p>✓ Employee is out 3 full days and comes in 1 hour late on 4th day</p> <p>Not Covered</p> <p>X Employee is absent from work and unable to perform regular daily activities for 3 days</p> <p>X Employee goes to doctor 1 time and begins over-the-counter drugs, bed rest and other treatment that can be initiated without doctor visit</p> <p>X Absence due to drug/alcohol abuse (absences for treatment are covered, if the inpatient or continuing treatment requirements are met)</p>
<p><input type="checkbox"/> Incapacity due to pregnancy, or absence for prenatal care</p>	<p>Covered</p> <p>✓ Employee comes in late because of morning sickness</p> <p>✓ Husband needed to care for pregnant wife during her prenatal care</p>
<p><input type="checkbox"/> Incapacity or absence for treatment due</p>	<p>Covered</p>

to chronic condition requiring at least 2 annual visits to health care provider	✓ Employee misses day or partial day due to chronic condition such as diabetes, epilepsy, back condition, high blood pressure, repetitive motion injury, etc.
<input type="checkbox"/> Incapacity or absence for treatment due to permanent or long-term condition for which treatment may not be effective	Covered ✓ Employee misses day or partial day due to permanent or long-term illness such as stroke, Alzheimer's, etc.
<input type="checkbox"/> Absence to receive, or recover from, multiple treatments for restorative surgery or condition that, if untreated, would likely result in incapacity of more than 3 consecutive calendar days	Covered ✓ Physical therapy (post-op), dialysis (kidney disease), radiation (cancer)
Qualifying Exigency	Examples
<input type="checkbox"/> Employee's spouse, child or parent is on, or called to, covered active duty in National Guard or Reserves, or a regular component of the Armed Forces (or as a retired member of the regular Armed Forces or Reserves) during deployment to a foreign country -and- Leave required for <i>1 of the following</i> : <input type="checkbox"/> Short-notice deployment	Covered ✓ Notice of 7 days or less
<input type="checkbox"/> Military events and related activities	Covered ✓ Official ceremonies; family support programs sponsored by military or service organizations
<input type="checkbox"/> Childcare and school activities/Parental Care	Covered ✓ Arrange alternative childcare/parental care; provide urgent immediate need care; enroll/admit or transfer to new school or daycare or care facility Not Covered X Regular, everyday care
<input type="checkbox"/> Financial and legal arrangements	
<input type="checkbox"/> Counseling	
<input type="checkbox"/> Rest and Recuperation	Covered ✓ To spend time with servicemember on R&R up to 15 calendar days commencing on date R&R commences
<input type="checkbox"/> Post-deployment activities	Covered ✓ Up to 90 days following termination of deployment
<input type="checkbox"/> Other activities approved by employer	
Servicemember Injury/Illness	Examples
<input type="checkbox"/> Employee's spouse, child, parent, next of kin is member or veteran of Armed Forces (including National Guard or Reserves) -and- Seriously injured/ill during active duty <input type="checkbox"/> Current Member: Injury/illness	Covered ✓ Nearest blood relative

renders current servicemember unfit for duty, undergoing treatment, recuperation or therapy in outpatient status or otherwise on temporary disability retired list

- Veteran (discharge other than dishonorably): Veteran was a member of Armed Forces at any time during five years preceding date of treatment, recuperation or therapy