

Coordinating Leaves of Absence

Leaves of absence can cover several situations, so it is important to know how to coordinate them. Some are paid, some follow the most favorable between state or federal law, some only apply to companies with a certain employee count, and some only apply to individuals meeting certain qualifications. The following chart is not all-inclusive but may help with compliance and is intended to address the most commonly used types of leave.

Type of Leave	Paid?	Duration	May Run Concurrently With
Federal Family Medical Leave (FMLA)	No	Up to 12 weeks in a 12-month period	<ul style="list-style-type: none"> • State FMLA • State paid sick leave • Americans with Disabilities Act (ADA) • Short-term disability • Long-term disability • COVID-19 established leaves (if applicable) • Worker’s Compensation • Employer-provided leave
State Family Medical Leave (FMLA)	Varies by state	Varies by state	<ul style="list-style-type: none"> • Federal FMLA • Americans with Disabilities Act (ADA) • Short-term disability • Long-term disability • COVID-19 established leaves (potentially) • State paid sick leave (if applicable) • Worker’s Compensation • Employer-provided leave
Americans with Disabilities Act	No	No limit	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • State paid sick leave (if applicable) • Worker’s compensation • Short-term disability • Long-term disability
COVID-19 Established Leaves	Determined by company policy and applicable state or federal requirements	Determined by company policy and applicable state or federal requirements	<ul style="list-style-type: none"> • Federal FMLA (if applicable) • State FMLA (if applicable) • Worker’s Compensation • Short-term disability • State paid sick leave (if applicable) • Personal leave
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Not required but may be determined by company policy	Up to 5 years	This is a stand-alone leave that applies to those enlisted in uniformed services and reservists.
Military Exigency Leave	No	Up to 12 weeks in a 12-month period	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • Personal leave
Military Caregiver Leave	No	Up to 26 weeks in a 12-month period	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • State paid sick leave (if applicable)

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Wisconsin: 800.488.4845 • Minnesota 888.242.1359 • Northern Illinois: 800.679.7001 • Iowa & Western Illinois: 888.516.6357

Type of Leave	Paid?	Duration	May Run Concurrently With
Parental Leave	Determined by company policy or state law	Determined by company policy or state law	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • Short-term disability for qualifying mothers
Worker's Compensation	For qualifying employees	Determined by insurance provider	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • Americans with Disabilities Act • State paid sick leave (if applicable)
Short-Term Disability	Typically a percentage of regular weekly wages	Determined by policy	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • Americans with Disabilities Act • State paid sick leave (if applicable)
Long-Term Disability	Typically a percentage of monthly wages	Determined by policy	<ul style="list-style-type: none"> • Federal FMLA • State FMLA • Personal leave
Personal Leave	Determined by company policy	Determined by company policy	Typically a stand-alone leave
Sabbatical	Determined by company policy	Determined by company policy	Typically a stand-alone leave
Bereavement	Determined by company policy	Determined by company policy	Personal leave time

It is important for employers to know the requirements for each type of leave. For example, to qualify for federal FMLA, an employee must have worked for the employer at least 1,250 hours during the prior 12 months. An employee that has been employed for less than 12 months may not qualify for federal FMLA but may qualify for other protected leaves.

Some laws are also not applicable to smaller employers, so it is important to understand the employee threshold when administering them. For example, a company with 25 employees needs to comply with the Americans with Disabilities Act but not with the federal FMLA.

Other leaves are based upon company policy. Those leaves may run concurrently with protected leaves, so it is important for employers to understand the circumstances of the leave to determine if there are state or federal requirements for pay, job reinstatement, or if there are reporting requirements. Some unpaid leave policies incorporate other policies, such as attendance policies, by requiring employees to use available paid time off prior to the approval of unpaid leave time.

The requirements of local, state, or federal law are intended to be the minimum for any leave. Employers are always able to provide benefits that are more favorable to an employee, however, it is important to be consistent with the administration of policies that differ from the minimum requirements to avoid claims of discrimination.

Administering leave time can become a matrix of several policies and laws. Documentation and detailed recordkeeping can help ensure compliance to provide confidence that nothing was missed. The MRA website also has several helpful resources to aid in administering leaves of absence. For additional resources on administering leaves of absence, contact MRA's 24/7 HR Hotline at 866.HR-Hotline (866-474-6854) or InfoNow@mranet.org.