

Do You Know the Types of FMLA Leave?

You may be surprised to learn that not all federal FMLA-qualifying conditions require more than three consecutive days of incapacity (absence). In fact, federal FMLA regulations identify several distinct reasons for leave that qualify for up to 12 weeks of unpaid leave. It's very important for FMLA administrators to know and understand each type in order to properly administer FMLA leave.

The types of federal FMLA leave are:

Inpatient Care

Any period of inpatient care in a hospital, nursing home, or hospice is protected under FMLA. This includes providing psychological support to covered family members receiving inpatient care. Only one certification may be required.

For each of these types of leave, different rules may apply, including length of incapacity and how often medical certifications may be obtained.

Pregnancy, Adoption, Foster Care

Any period of incapacity, or time missed due to prenatal medical appointments or legally-required preparations. Once the child is born or is placed for adoption or foster care, intermittent or full periods of FMLA are available. Only one certification may be required.

Chronic Serious Health Condition

Any period of incapacity due to a serious health condition that continues over an extended period of time and requires at least two visits annually to a health care provider for treatment. Examples include migraine headaches, asthma, and diabetes. Certification may be obtained once every 30 days in connection with an absence.

Permanent or Long-term Incapacity

Any period of incapacity due to a condition of the employee or immediate family member that is permanent or long term for which treatment may not be effective. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease. Only one certification may be required.

Receiving Multiple Treatments

Any period of incapacity to receive multiple treatments for conditions that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment. Examples include chemotherapy, physical therapy, or dialysis. This type also includes restorative surgery after an accident or other treatment. Only one certification may be required.



Continuing Treatment

FMLA for continuing treatment requires more than three consecutive, full calendar days of incapacity, at least two visits to the doctor, or one visit to doctor accompanied by continued treatment (a prescription medication is the most common). Certification is required for each instance. This includes the employee's own serious health condition, as well as those of immediate family members. This type of leave typically applies when an employee is absent from work due to his or her own temporary health condition, or for that of an immediate family member.

Mental Health Treatment

Any period of time required for either inpatient or continuing treatment of an employee's own mental health condition or to care for a family member who is unable to perform regular daily activities due to an ongoing mental health condition. Employers may require certification that supports the need for leave, but a diagnosis is not required.

Substance Abuse

Any period of time to attend rehabilitative treatment. Only one certification may be required.

Care for an Injured Covered Servicemember

Any period of time needed to provide care for a current or recently discharged member of the Armed Forces who is on the temporary disability retired list, who received serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, therapy, or is in outpatient status. Only one certification may be required.


Need help with your FMLA process? MRA's [HR Business Partners](#) can help you!



Military Exigency

Any period of time for covered reasons due to the call to active duty of a covered servicemember (who is the employee's spouse, son, daughter, or parent) in support of a contingency operation. Up to eight separate certifications may be required based on reason for leave.

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