



October 26, 1995

FMLA-73

Dear *Name*\*,

Your letter addressed to *Name*\*, has been referred to the Wage and Hour Division of the U.S. Department of Labor to address issues relating specifically to the Family and Medical Leave Act of 1993 (FMLA). The Wage and Hour Division enforces the FMLA for all private, State and local government employees and some Federal employees.

The FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave each year—with continued group health insurance coverage—for specified family and medical reasons.

Private employers are covered under FMLA if they have employed at least 50 employees during 20 or more calendar workweeks in the current or preceding calendar year; all public employers are covered. Employees are eligible under FMLA if they have worked for a covered employer for at least 12 months, have worked at least 1,250 hours during the 12 months preceding the start of leave, and are employed at a worksite where the employer employs at least 50 employees within 75 miles. The 12 months the employee has to have worked do not have to be consecutive.

Unpaid leave must be granted to an eligible employee for any of the following reasons: (1) for the birth of a son or daughter, and to care for the newborn child; (2) for placement with the employee of a son or daughter for adoption or foster care; (3) to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; and (4) for a serious health condition that makes the employee unable to perform his/her job.

The FMLA does not extend to employee absences to provide care to siblings who have a serious health condition. In reviewing your letter, it appears that you were terminated when you took time off to care for your sister. Unfortunately, such situations are not covered by FMLA.

Although I certainly appreciate the recent difficulties you have faced, it does not appear that FMLA applies.

Sincerely,

Daniel F. Sweeney  
Deputy Assistant Administrator

*\* Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).*