



October 14, 1994

FMLA-45

Dear *Name*\*,

This is in reply to your letter of June 3, 1994, about the provisions of the Family and Medical Leave Act of 1993 (FMLA). You specifically request an opinion on how much leave is an eligible employee entitled to under the FMLA for multiple births.

The FMLA, which became effective for most employers on August 5, 1993, allows up to 12 workweeks of unpaid, job-protected leave in any 12-months -- with group health insurance coverage maintained during the leave -- to eligible employees for specified family and medical reasons. If a collective bargaining agreement (CBA) was in effect on that date, FMLA became effective on the expiration date of the CBA or February 5, 1994, whichever was earlier. Employers are covered under the FMLA if they have employed at least 50 employees during 20 or more calendar workweeks in the current or the preceding calendar year. Employees are eligible under the FMLA if they have worked for a covered employer for at least 12 months that need not be consecutive, 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.

Unpaid FMLA leave must be granted to an eligible employee for any of the following reasons: (1) for birth of a son or daughter, and to care for the newborn child; (2) for placement with the employee of a son or daughter by 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.

Upon return from FMLA leave, the employee is entitled to be restored to the same employment position which the employee held when the leave commenced, or to an equivalent position with equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

In response to your specific question, an eligible employee would be entitled to take up to a total of 12 workweeks of FMLA leave in any 12-month period for the family and medical reasons that qualify for FMLA leave. (See section 102 and 29 USC 2601 of the Act and sections 112 and 200 of Regulations, 29 CFR Part 825.)

Multiple births do not entitle the employee to additional FMLA leave. Employees who have exhausted their 12-weeks of FMLA leave for any one of the four reasons cited previously are not eligible for additional leave in the same 12-month period.

For your information, enclosed is the Compliance Guide to the Family and Medical Leave Act that provides guidance along these lines. If you require further assistance, please do not hesitate to contact me.

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).*