



October 8, 1993

FMLA-7

Dear **Name***,

Thank you for your letter to Assistant Secretary Geri Palast, Office of Congressional and Intergovernmental Affairs, regarding Your constituent, **Name*** concerns about the Family and Medical Leave Act of 1993 (FMLA).

Name* wants to know if volunteers are counted as employees when determining entitlement to benefits under FMLA. Only those employee's whose name appears on the employer's payroll will be considered employed each working day of the calendar week, and must be counted for coverage purposes, whether or not any compensation is received for the week. Volunteers do not meet the definition of "employee" and are not to be counted. If the non profit organization where **Name*** is employed has a total of only 15 employees on the payroll in a 75 mile radius of the worksite, none of the employees would be eligible for FMLA benefits.

We hope that we have been responsive to your constituent's concerns and if we can be of further assistance, let us know.

Sincerely,

Charles E. Pugh
Assistant Administrator

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