



November 5, 1993

FMLA-15

Dear *Name**,

This is in response to your request for a legal opinion under the Family and Medical Leave Act of 1993 (FMLA) concerning lodgings furnished to resident manager employees who take FMLA leave.

You asked whether an employer (covered by FMLA) has an obligation to continue furnishing lodging to an "eligible employee" who resides on the employer's premises and who is unable to work because of a serious medical condition or some other circumstance which would qualify the employee for FMLA leave. Could the employer require the employee to vacate the premises during the term of the FMLA leave? We would construe an employer's attempt to require an FMLA-eligible employee to vacate the employer-provided lodging during the term of an FMLA leave period as an attempt to interfere with or restrain an employee's attempt to exercise rights under the FMLA to take leave for a qualifying reason under the law. This is a direct violation of § 105 of the Act and § 825.220 of the FMLA Regulations, 29 CFR Part 825.

If you have any further questions, please do not hesitate to contact *Name** at (202) 219-8412.

Sincerely,

Maria Echaveste
Administrator

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