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Protections for workers under the FMLA's Military Family Leave Provisions

The Family and Medical Leave Act (FMLA) entitles an eligible employee of a covered employer to take up to 12 workweeks of unpaid, job-protected **qualifying exigency leave**. The leave is available for employees whose spouse, son, daughter, or parent is in the Regular Armed Forces and deployed to a foreign country or in the National Guard or Reserves and deployed to a foreign country in support of a contingency operation.

Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

The FMLA also entitles an eligible employee of a covered employer to take up to 26 workweeks of **military caregiver leave** in a single 12-month period to care for a covered servicemember* with a qualifying serious injury or illness incurred or aggravated in the line of duty on active duty. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

* A covered servicemember is either:

- a **current member** of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
- a **veteran** of the Armed Forces (including the National Guard or Reserves) who was discharged or released under conditions other than dishonorable within the five-year period before the family member first takes military caregiver leave to care for the veteran, and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.

See Fact Sheet 28A: The Military Family Leave Provisions under the FMLA.

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UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA.

The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

WH-1512

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