



[cancer.org](http://cancer.org) | 1.800.227.2345

## Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) of 1993 helps employees balance work and family needs by allowing certain employees to take reasonable unpaid leave for certain family and medical reasons.

*Disclaimer: The American Cancer Society does not offer legal advice. This information is intended to provide general background in this area of the law.*

- [Who can take FMLA?](#)
- [When can you use FMLA?](#)
- [What about employers with fewer than 50 employees?](#)
- [Do federal government employees get FMLA?](#)
- [Taking FMLA leave](#)
- [How is the FMLA 12-month period calculated?](#)
- [How do I request FMLA leave?](#)
- [Can my employer deny my request for FMLA leave?](#)
- [Will I lose my job if I take FMLA leave?](#)
- [Do I have to pay for my health insurance while I'm on FMLA leave?](#)
- [Can my employer make me come back to work before I run out of FMLA time?](#)

### Who can take FMLA?

You can take up to 12 weeks of unpaid, protected leave per year if you:

- Worked for your employer for at least 12 months
- Worked at least 1,250 hours over the past 12 months (about 25 hours per week),  
and
- Work at a location with 50 or more employees within 75 miles.

## When can you use FMLA?

Eligible employees can use FMLA for:

- Childbirth and care of a newborn child
- Placement with the employee of a child for adoption or foster care
- Caring for an immediate family member (spouse, child, or parent) with a serious health condition
- Your own serious health condition

Some states have family and medical leave laws with broader rights (including wage replacement) than FMLA. The [US Department of Labor](#)<sup>1</sup> can help you get information about your state.

### Special FMLA rules

There are [fact sheets](#)<sup>2</sup> available that explain special FMLA rules, such as those for:

- Military families
- Airlines and school employees
- Certification of a serious health condition

## What about employers with fewer than 50 employees?

Some states may have their own laws. Contact the [US Department of Labor](#)<sup>3</sup> for state-specific information.

## Do federal government employees get FMLA?

Most United States government employees are covered by FMLA or similar rules.

Policies are managed by the US Office of Personnel Management (Lm /F2 12 Tf 0 0 0 rg iP 0 Ts 094 t



Your employer can choose various methods, including:

If an employer requires a medical statement that the employee is fit to return to work and the employee doesn't get one, the employer can delay the employee's return until they submit the required documentation.

## **Do I have to pay for my health insurance while I'm on FMLA leave?**

Your employer must keep your health insurance coverage on the same terms while you're on FMLA leave. You'll need to make plans if you pay part of the premiums.

Your employer can make you repay premiums they paid while you were on FMLA if you don't return to work after FMLA leave. But they can't do this if your reason for not going back to work was your or your family member's serious health condition.

Your employer does **not** have to continue your other benefits during FMLA.

## **Can my employer make me come back to work before I run out of FMLA time?**

Your employer can deny your continuing FMLA leave if you don't provide the required medical certification (written information signed by your doctor). But the employer cannot require you return to work early by offering you a light duty assignment.

### **Need more information?**

Other sources of information include:

**United States Department of Labor, Wage and Hour Division** Toll-free number: 1-866-487-9243 (1-866-4-USWAGE) TTY: 1-877-889-5627  
Website: [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)<sup>5</sup>

[Wage and Hour Division](#)<sup>6</sup>

[FMLA fact Sheets](#)<sup>7</sup>

This site includes subsections with pages that explain more about FMLA, including how it impacts state law, employer policy variations, links to airline crew rules, specific changes for military families, and more.

**Cancer and Careers** Telephone: 646-929-8032 Website: [www.cancerandcareers.org](http://www.cancerandcareers.org)<sup>8</sup>

A resource for working people with cancer and their employers; offers articles, news, charts, check lists, tips, and a community of experts, patients, and survivors.

**Cancer Legal Resource Center (CLRC)** Toll-free number: 1-866-843-2572 (1-866-THE-CLRC) TTY: 213-736-8310 Website: [www.cancerlegalresources.org](http://www.cancerlegalresources.org)<sup>9</sup>

A non-profit program that gives free and confidential information and resources on cancer-related legal issues to cancer survivors, their families, friends, employers, health care professionals, and others coping with cancer.

*\*Inclusion on this list does not imply endorsement by the American Cancer Society*

[Search for resources](#) <sup>10</sup>

Find free or low-cost resources from ACS and other organizations.

## Hyperlinks

1. [www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla)
2. [www.dol.gov/whd/fmla/fact\\_sheets.htm](http://www.dol.gov/whd/fmla/fact_sheets.htm)
3. [www.dol.gov/](http://www.dol.gov/)
4. [www.ada.gov/topics/intro-to-ada/](http://www.ada.gov/topics/intro-to-ada/)
5. [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)
6. [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)
7. [www.dol.gov/agencies/whd/fact-sheets/28-fmla](http://www.dol.gov/agencies/whd/fact-sheets/28-fmla)
8. [www.cancerandcareers.org/](http://www.cancerandcareers.org/)
9. [www.cancerlegalresources.org/](http://www.cancerlegalresources.org/)
10. [www.cancer.org/support-programs-and-services/resource-search.html](http://www.cancer.org/support-programs-and-services/resource-search.html)

## References

Family and medical leave act (FMLA). US Department of Labor. Updated February 2023. Accessed September 14th, 2023. <https://www.dol.gov/general/topic/benefits-leave/fmla>.

FMLA frequently asked questions. Labor Wage and Hour Division. US Department of Labor. Accessed September 14th, 2023. <https://www.dol.gov/whd/fmla/fmla-faqs.htm>.

Labor Wage and Hour Division. U.S. Department of Labor. The Employer's Guide to The Family and Medical Leave Act. 2022. Accessed September 14, 2023.  
<https://www.dol.gov/agencies/whd/fmla/employer-guide>.

Last Revised: September 30, 2023

**Written by**

The American Cancer Society medical and editorial content team

---