



**THE FAMILY AND MEDICAL LEAVE ACT  
AND DRUG-FREE WORKPLACE POLICY**

FMLA covers:

- Private employers with 50 or more employees for each working day during each of 20 or more calendar work weeks in current or preceding calendar year
- Employees who have worked for covered employer at least 12 months (need not be continuous) *and* for at least 1250 hours in preceding 12 months
- Employees working at a site at which covered employer has 50 or more employees within a 75-mile radius

Provides:

- 12 work-weeks unpaid leave (continuous, intermittent or reduced leave schedule) to eligible employee who is prevented from working due to his/her own or family member's *serious health condition*
- Eligibility to be determined on individual basis
- Employee to be restored (in most cases) to original/equivalent position and that lapsed benefits be restored
- Leave for substance abuse treatment provided employee meets *serious health condition\** requirement
- Employer discretion in taking employment action, including termination, for violations of company policy where there is an established policy, applied non-discriminately, that has been communicated to all employees

Not Covered under the FMLA:

- Absences caused by the use of an illegal substance

As always, if you have a question regarding the FMLA, consult with your legal counsel. The Wage and Hour Division of the U.S. Department of Labor may be contacted regarding the FMLA or for specific ruling letters.

*\*Serious health condition is defined as illness, injury, impairment or physical or mental condition involving continuing treatment by healthcare providers or in-patient care in hospital, hospice or residential medical-care facility.*