

# Kozloff Stoudt Attorneys

## FMLA and Municipal/School District Employers

*"The Family Medical Leave Act (FMLA) provides eligible employees of covered employers with up to 12 or 26 weeks of unpaid, job-protected leave during a 12-month period for specified family or medical reasons, and continuation of group health benefits."*

### **Covered Employers:**

- Private sector employers with 50 or more employees for at least 20 workweeks in the current or preceding calendar year.
- Public agencies; including a local, state or federal government agency, regardless of the number of employees. This includes Townships, Boroughs & Authorities.
- School Districts, public or private elementary, or secondary schools, regardless of the number of employees.

### **Eligible Employees:**

- Employee works for a "covered employer" - as defined above
- The employee worked for that covered employer for at least 12 months
- Employee has at least 1,250 hours of service for the covered employer during the 12 month period prior to the FMLA leave.
- Works at a location where the employer has at least 50 employees within 75 miles of their working location.

### **How does FMLA apply to School Districts/Municipal Employers?**

- FMLA applies to School Districts and municipalities because they are public agencies, which are covered employers.
- Qualified municipal or School District employees who meet the 50 or more employees within 75 miles of the worksite and worked for at least 1,250 hours during the previous 12 months are eligible employees under FMLA.
- If the School District or municipal employee does not meet all the requirements they are not eligible for FMLA benefits, even though the School District or municipality is still a covered employer.
- If the School District or municipal employee is eligible under FMLA, he/she is guaranteed to return to the same or equivalent position, pay, benefits, and other terms or conditions that may apply.
- Since School Districts and municipalities are covered employers they must provide a general notice to their employees regarding the FMLA, and if the employer has any FMLA eligible employees, provide a written general notice to employees.
- School Districts and municipalities must provide notice of eligibility to FMLA leave even though the employee may be entitled to other paid leave.







