



## Family and Medical Leave Act (FMLA) Frequently-Asked-Questions (FAQs) for Employees

**Contact:** [FMLA.Information@montgomerycountymd.gov](mailto:FMLA.Information@montgomerycountymd.gov) or 240-777-5137

**OMS Office:** 27 Courthouse Square, Suite 180, Rockville, MD 20850 ([see parking and entrance details](#))

### What Is FMLA?

The Family and Medical Leave Act (FMLA) was signed into law in 1993 by the U.S. Department of Labor and Congress. It helps balance the needs of employers and employees when extended medical leave is necessary for serious health conditions (including pregnancy) or to care for family members.

The purpose of the law is to protect employees' jobs and benefits when they need to be away from work for medical reasons covered under [MCPR Section 19](#).

### When Should I Apply for FMLA?

You should apply for FMLA if you've been out **five or more consecutive workdays** for a medical reason and will not be returning on day six.

Common qualifying situations include:

- Ongoing or continuing medical treatment
- Chronic health conditions
- Childbirth and bonding with a new child
- Long-term or permanent health conditions
- Caring for an eligible family member with a serious health condition

### What Are Qualifying Reasons for FMLA?

Eligible employees may receive up to 12 weeks of unpaid leave for the following reasons:

- Birth and care of a newborn child, or placement for adoption or foster care
- Care for an immediate family member (spouse, child, or parent) with a serious health condition
- The employee's own serious health condition
- Qualifying exigencies related to a family member's covered active-duty military service

Additionally, employees may receive up to 26 weeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness (military caregiver leave)

### What Qualifies as a "Serious Health Condition"?

A serious health condition is any illness, injury, impairment, or physical/mental condition that involves:

- Inpatient care, or
- Ongoing treatment by a licensed healthcare provider

Examples include:

- Mental health conditions (e.g., anxiety, PTSD, depression)
- Chronic illness (e.g., asthma, diabetes)
- Pregnancy or prenatal care
- Therapy (physical, occupational, or psychological)
- Chiropractic care (when prescribed by a provider)
- Substance use treatment

### **Can FMLA Leave Be Intermittent?**

Yes, FMLA leave can be taken in blocks or intermittently, provided there is appropriate medical documentation.

Examples include recurring medical appointments such as:

- Weekly therapy sessions
- Psychiatric visits
- Physical rehabilitation

### **Can FMLA Leave Be Taken for Birth, Adoption, or Foster Placement?**

Yes, you may take up to 12 weeks of leave for birth, adoption, or foster placement within 12 months of the event. Please refer to [Paid Parental Leave \(PPL\) Information](#) for additional details regarding time away related to birth/adoption/foster care.

### **Can Both Parents Take FMLA Leave?**

Yes, both eligible County employees are entitled to 12 weeks of FMLA leave each.

### **Can FMLA Leave Be Taken Before Birth or Placement?**

Yes, FMLA may be used for pre-birth or pre-placement requirements.

### **Does Health Insurance Coverage Continue During FMLA?**

Yes, your health insurance coverage will continue. You must continue to pay your portion of the premiums.

### **What Job Protection Exists for FMLA Leave?**

Upon return from FMLA leave, you will be reinstated to the same position or an equivalent position with the same pay and benefits.

### **Will I Receive Holiday Pay While on FMLA?**

If you use paid leave for FMLA, you will receive holiday pay. If you use unpaid leave for FMLA, holiday pay does not apply.

### **What Happens If I Exhaust All FMLA Leave?**

If you are unable to return after exhausting your 12 weeks of FMLA leave:

- Contact the Disability Program Manager at 240-777-5176 or [dpm@montgomerycountymd.gov](mailto:dpm@montgomerycountymd.gov) for possible accommodations.
- Request extended leave under MCPR Section 23
- Provide updated medical documentation from your healthcare provider explaining the reason for the duration of continued absence

### **Do Workers' Compensation-related Injuries Qualify for FMLA?**

Yes, on the job injuries requiring inpatient care or continuing treatment typically qualify under FMLA (see MCPR Section 18).

### **How Do I Apply for FMLA?**

Apply online via Employee Self-Service: [Submitting Your FMLA Online](#)

If you are unable to apply online, you may fill out and submit one of the following packets to apply:

- [FMLA Employee Packet](#)
- [FMLA Family Member Request Packet](#)

### **What Notice is Required for FMLA?**

Provide 30 days' notice if the need for leave is foreseeable.

If not, notify your department as soon as practicable and follow normal call-in procedures.

*See the next page for details on FMLA Military Leave.*

# Family and Medical Leave Act (FMLA) Military Leave

## Frequently-Asked-Questions (FAQs) for Employees

### What is FMLA Military Leave?

The Family and Medical Leave Act (FMLA), signed into law in 1993 by the U.S. Department of Labor and Congress, helps balance the needs of employers and employees when extended medical leave is necessary for serious health conditions, including pregnancy, or to care for family members.

The purpose of FMLA is to protect employees' jobs and benefits when they must be away from work for qualifying medical or family reasons, as outlined in [MCPR Section 19](#). Military family leave is a specific provision under the FMLA that provides additional protections for eligible employees with family members serving in the military.

### What Is a Qualifying Exigency?

A qualifying exigency refers to certain non-medical needs arising when an employee's spouse, child, or parent is on covered active duty or has been called to cover active-duty status.

Examples include:

- Short-notice deployment (within 7 days)
- Military events or ceremonies
- Childcare and school-related needs
- Financial or legal arrangements
- Counseling (non-medical)
- Post-deployment reintegration activities
- Spending time with the service member during rest and recuperation

### What Are the Types of Military FMLA Leave?

- **Qualifying Exigency Leave:** For non-medical needs that arise due to a family member's active-duty military service.
- **Military Caregiver Leave:** For caring for a covered service member who has a serious injury or illness sustained or aggravated in the line of duty.

### Who Qualifies as a "Covered Service Member"?

A covered service member is:

- A current member of the Armed Forces, National Guard, or Reserves who is receiving medical treatment, recuperation, or therapy; or
- A member on the temporary disability retired list

### Who Is Eligible for Military Caregiver Leave?

Eligible employees who are the spouse, parent, child, or next of kin of a covered service member.

### **What Qualifies as a Serious Injury or Illness for Caregiver Leave?**

A serious injury or illness is any condition incurred or aggravated in the line of duty that may render the service member medically unfit for duty. This includes both physical and mental health conditions.

FMLA caregiver leave may also cover appointments for mental health care, therapy, or rehabilitation services for a covered service member, as certified by a healthcare provider.

### **How Much Leave Can I Take?**

Employees may take up to 26 workweeks of military caregiver leave during a single 12-month period, per service member and per injury.

### **What Documentation Is Required?**

To apply for military-related FMLA leave, the following may be required:

- Active-duty orders (for qualifying exigency leave)
- Medical certification (for caregiver leave)
- Certification of qualifying exigency (for non-medical leave)

### **When Must I Provide Notice?**

Employees should provide notice as soon as practicable. Normal departmental call-in procedures apply unless circumstances make that impossible.

### **How Do I Apply for FMLA Military Leave?**

Apply online via Employee Self-Service: [Submitting Your FMLA Online](#)

If you are unable to apply online, you may fill out and submit one of the following packets to apply:

- [FMLA Military Family Member Packet](#)
- [FMLA Military Caregiver Packet](#)