



FMLA: Covered Employers

The federal Family and Medical Leave Act (FMLA) requires employers covered by the law to provide eligible employees unpaid, job-protected leave for qualifying reasons.

Covered Employers

The following employers are covered by the FMLA:

- Public agencies, including federal, state and local governments;
- Local educational agencies, including public and private elementary and secondary schools and public school boards; and
- Private-sector employers with 50 or more employees during 20 or more calendar workweeks in the current or previous calendar year.

Employees are employed each working day of the calendar week if they work any part of the week. The workweeks do not have to be consecutive.

Determining the 50-employee Threshold

In counting employees, employers must include:

- Employees working in the United States or a U.S. territory or possession;
- Employees whose name appears on payroll records, whether or not any compensation is received for the workweek;
- Employees on paid or unpaid leave if there is a reasonable expectation that the employee will return to active employment;
- Employees of foreign firms operating in the United States; and
- Employees who are part-time, temporary, seasonal or full-time.

Once an employer meets the requirement for FMLA coverage, the employer is a covered employer and will remain covered as long as it employs 50 or more employees in 20 or more workweeks in either the current calendar year or the previous calendar year.

Joint Employers

- Businesses may be joint employers under the FMLA if they exercise control over the work or working conditions of an employee.
- For example, joint employment may exist when a temporary employment agency supplies employees to another business.
- Employees jointly employed by two employers must be counted by both employers, even if the employee is on only one employer's payroll.

Integrated Employers

- Separate businesses may be a single employer for FMLA purposes if they are an integrated employer.
- Separate businesses may be an integrated employer if they have common management, interrelated operations, and common ownership or financial control.
- The employees of all entities making up the integrated employer must be counted.

