

# Who may use FMLA?

The following criteria must be met to qualify for FMLA:

- Work for a covered employer.
- Have worked for GMCS for 12 months
- Have worked at least 1250 hours
- Work for an employer that has 50 or more employees within 75 miles of my jobsite.

## **CIRCUMSTANCES THAT QUALIFY FOR FMLA LEAVE**

Eligible employees may take up to 60 working days/12 work weeks of FMLA Leave in a 12-month period for the following qualifying reasons:

- The birth of a child and to bond with the newborn within one year of birth,
- The placement with the employee of a child for adoption or foster care and to bond with the newly-placed child within one year of placement,
- A serious health condition that makes the employee unable to perform the functions of his or her job, including incapacity due to pregnancy and for prenatal medical care,
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

## **Immediate Family Members**

Employees can take FMLA leave due to a serious health condition of the following family members:

### Spouse

- Spouse means a husband or wife as defined or recognized in the state where the individual was married, including a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

### Parent

- Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include "parents-in-law."

#### Son or Daughter

- Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult "son or daughter" under FMLA.

Siblings are NOT considered an "Immediate Family Member"