SIMPLIFIED FMLA DECISION TREE

Start Here → **Is the leave due to an employee's illness, injury, pregnancy, child birth or adoption?** — NO → **Is the leave due to a family members illness, injury, pregnancy, child birth or adoption?**

From first box: YES ↓
From family box: YES ↙ / NO ↓ → **FMLA is not a factor, consider any ADA or Rehabilitation ACT implications**

Has the employee been employed for at least 12 months and for at least 1250 hours worked? — NO → **FMLA is not a factor, consider any ADA or Rehabilitation ACT implications**

YES → **Is the absence due to the care of a newborn or placement for adoption or foster care within 12 months of birth or placement?** — NO → **Is the absence due to the employee's pregnancy?** — NO → **Is the absence due to hospitalization in excess of three calendar days and requires treatment of a health care provider ?**

Is the absence due to the employee's pregnancy? — YES ↓

Is the absence due to hospitalization... — YES ← / NO ↓ → **Is the absence do to a health condition that requires treatment(s) or a chronic condition that can cause the employee to take leave intermittently. This includes substance abuse?** — NO → (back to FMLA is not a factor...)

Is the absence do to a health condition... — YES ←

Is the absence due to the care of a newborn... — YES ↓ (down to FMLA is applicable box)

Does the completed FMLA medical certification form support the need for absence? — NO → **FMLA probably not applicable, further investigation may be required**

YES ↓

FMLA is applicable in this instance. Now has the employee taken 12 weeks of FMLA leave in the last 12 months. — YES → **Management has met the obligation under FMLA and the employee is no longer entitled. Refer to Agreement for other leave options.**

NO ↓

Has the employee taken any FMLA Leave in the last 12 months? — NO → **Employee is eligible for up to 12 weeks of absence under FMLA**

YES → **Subtract amount of FMLA taken in last 12 months from 12 week allotment to determine remaining time.**