

Employment Law Q&A: FMLA employer coverage



Ryan Neumeyer | Friday, March 31, 2017

When a company's workforce is around 50 employees, it must be aware of its obligations to comply with the Family Medical Leave Act (FMLA). A company that has 50 or more employees and fails to implement and administer a FMLA policy **could face significant consequences**.

Q. When is my company required to comply with the FMLA?

A. A private-sector employer with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer, is required to comply with the FMLA.

Q. Who counts as an employee for the purpose of FMLA coverage?

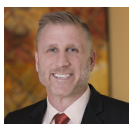
A. Any employee who appears on the payroll during a week, **including part-time, seasonal, and/or temporary employees**. An employee is considered to be employed each working day of the calendar week if the employee works any part of the week. The workweeks do not have to be consecutive.

Q. How are temporary employees treated?

A. Temporary employees are typically treated as the employees of *both* the temporary company and the customer for the purpose of determining if an employer has 50 or more employees under the FMLA. A temporary employee would not only count towards the 50 employee count, his or her service time as a temporary employee would count towards employee eligibility if he or she is later permanently employed by the customer of the temporary company (i.e. employed for at least 12 months by the employer and worked 1,250 hours in the 12 months preceding leave).

Since failing to provide FMLA leave can have costly implications for an employer, it is important to track employee counts and comply with the FMLA obligations once the organization approaches that "magic" number.

Please contact the attorney listed below with any questions you may have regarding this law.



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