FMLA Decision Tree

Is the leave due to an employee's serious health condition, pregnancy, childbirth, or adoption?

YES ↓

NO → Is the leave due to the serious health condition of the employee's spouse, child, or parent?

YES ↙

NO ↓

Has the employee been employed for at least 12 months and worked at least 1250 hours during the last year, exclusive of leave, closings, and holidays?

NO → **FMLA does not apply.**

YES ↓

Is the absence due to hospitalization in excess of 3 calendar days and require subsequent treatment by a healthcare provider?

NO → Is the absence due to the health condition that requires treatment or a chronic condition that can cause the employee to take leave intermittently?

NO → **FMLA does not apply.**

YES ↓

YES ↙

Does the completed certification form support the need for absence?

NO ↙

YES ↘

FMLA does not apply.
Further investigation may be needed.

FMLA Applies.
Subtract the amount of FMLA taken in the last 12-months from the 12-week allotment to determine remaining time available.