

FMLA & Leave Compliance Roadmap

The deadlines and benefits-continuation points that matter once an employee actually requests leave.

The Timeline, From Request to Return

WITHIN 5 BUSINESS DAYS OF THE REQUEST

Eligibility & Rights Notice

Tells the employee whether they are FMLA-eligible and what is expected of them, in writing.

WITHIN 5 BUSINESS DAYS OF HAVING ENOUGH INFORMATION

Designation Notice

States whether the leave is designated as FMLA-qualifying, and how much leave counts against the employee's entitlement.

15 CALENDAR DAYS

Employee's Deadline to Return Certification

The employer can require medical certification; the employee has this long to provide it once asked.

UP TO 12 WEEKS (26 FOR MILITARY CAREGIVER LEAVE)

Benefits Continue on the Same Terms

Group health coverage continues as if the employee were still working, on whatever premium-sharing basis was already in place.

AT THE LEAVE'S END

Reinstatement to an Equivalent Position

Same or a virtually identical position, pay, benefits and other terms of employment.

Where This Gets Complicated

FMLA runs on its own clock. Short-term disability, long-term disability and a state paid-leave benefit can all be running at the same time as FMLA, covering the same absence, without extending or shortening the 12-week entitlement itself. Track each one separately, even when they overlap on the calendar.

The clock running out is not the end of the analysis. A leave that runs past FMLA's 12 weeks is not automatically a termination decision — it can trigger the ADA's interactive process, which asks a different question: whether more unpaid leave is a reasonable accommodation.

Source note: Deadlines cited are federal FMLA minimums under 29 CFR Part 825. State family/medical leave laws can layer on additional rights and different timelines — check the state(s) where the employee actually works.

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