



Time Off from Work: Illness or Death

COVID-19: There are new rules about sick leave due to the pandemic.
Go to <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

You may be able to take unpaid leave (time off) from work to deal with a serious illness, death, or to care for a loved one with a serious illness.

Family and Medical Leave Act (FMLA)

If you are eligible (see below), a federal law called the FMLA gives you a right to take up to 12 weeks of unpaid family or medical leave in a 12-month period. FMLA leave is job-protected leave. This means your employer must give you back your same job or a nearly identical job at the end of your FMLA leave.

If you have sick or vacation time at your job, you can use this time during your FMLA leave. Your employer may say you have to use it. During your leave, you get to keep the same health insurance coverage that you had while you were at work. You have to pay your part of the premiums.



Am I eligible for FMLA leave?

To be eligible to take FMLA leave, you must:

- 1) work for a covered employer
- 2) work 1,250 hours during the 12 months right before the leave starts
- 3) work at a location where 50 or more employees work or 50 employees work within 75 miles of the location, and
- 4) have been employed at that place for at least 12 months.

For what reasons can I use FMLA leave?

Your reason has to be an FMLA qualifying reason. This includes any of the following reasons:

- You can't work because of a serious health problem you have
- You need to get treatment for a serious health problem
- You need to take care of a parent, child, or spouse with a serious health problem

What do I need to do to take FMLA leave?

You must give your employer 30 days' notice, if you can. If you can't, give notice as soon as possible. You have to tell your employer your reason that qualifies you for FMLA. This is so your employer knows that you are asking for FMLA leave. Just calling in sick is not good enough.

Your employer can ask for proof of your problem, like certification from your doctor. An employer may contact the doctor to check if the information you gave is true. They don't have to get your permission to do this.

Note: the health condition has to be serious. A condition is serious if it is an "illness, injury, impairment or any physical or mental condition that requires inpatient medical care or continuing treatment by a health care provider."



What if my employer won't give me time off?

File a claim with the U.S. Department of Labor, Wage and Hour Division. Call them at 1-866-4USWAGE (1-866-487-9243). You can also get a lawyer and file a lawsuit.

Death

FMLA ends immediately if your seriously ill family member dies. Your employer doesn't have to give you time off for your family member's death, but your employer may let you take time off for "bereavement leave." Check your employer's policies or talk to your employer.

If you or a close family member are suffering a serious physical or mental health condition because of the death of a loved one, you may be able to take time off under the FMLA. But dealing with the regular affairs of someone who has died is not covered under the FMLA.

Minneapolis and St. Paul Sick and Safe Leave

If your employer is in Minneapolis or St. Paul, you can take time off under the Sick and Safe Leave rules.

- In both cities you get 1 hour of leave for every 30 hours you work.
- You can earn 48 hours of leave per year.
- In Minneapolis, if an employer has 6 or more employees, the sick leave must be paid.

Sick or Injured Child Care Leave

Minnesota law says most employers have to let employees use their paid sick leave (if they have any) to take care of a sick family member.



Most employers also have to let employees use their paid sick leave (if they have any) to help with sexual assault, domestic abuse, or stalking situations involving the employee or a family member.

Family members covered by the law include your child (biological or adopted), spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, and step-parent.

QUESTIONS?

Minnesota Department of Labor and Industry
www.doli.state.mn.us
(651) 284-5005 or
1-800-DIAL-DLI (1-800-342-5354)

U.S. Department of Labor
www.dol.gov
1-866-4-USA-DOL (1-866-487-236)

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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