

FMLA & Family Leave Policy

Policy · US · Updated 2026-07-13 · Square brackets are placeholders to replace with your own details.

A family and medical leave policy is the written rules for extended time off around the big life events: the birth, adoption, or foster placement of a child; the employee's own serious health condition; caring for a seriously ill family member; and military family needs. In the US, this single policy does the job that other countries — the UK among them — split across separate maternity, paternity, adoption, and shared parental leave policies, because US federal law draws no such distinctions and has no paid-leave equivalent: the federal baseline, the FMLA, provides unpaid, job-protected leave.

Per the Department of Labor, the FMLA applies to employers with 50 or more employees within 75 miles and provides eligible employees up to 12 weeks of unpaid, job-protected leave. Pay, where it exists, comes from elsewhere: accrued PTO, employer benefits, and the paid family leave programs many states now run. A workable policy holds both layers — federal job protection and whatever pay applies where each employee works.

This template gives you the complete policy: who is covered, the qualifying reasons, how to request leave, pay and benefits during it, job restoration after it, and the state-programs section a federal-only policy dangerously lacks.

Purpose and scope

This policy sets out the family and medical leave available at [Your company]: FMLA leave [where [Your company] is covered], the state programs listed below, and any additional leave [Your company] chooses to provide. It is the single policy for maternity, paternity, adoption, foster placement, family care, and the employee's own serious health condition — there are no separate policies for each.

Where federal, state, and [Your company] provisions overlap, the employee receives the most generous applicable protection, and leave under multiple laws for the same reason runs [concurrently where the law allows]. [Name/role] coordinates every leave under this policy.

Who is eligible

Per the Department of Labor, the FMLA applies to employers with 50 or more employees within 75 miles. [[Your company] is / is not / is in some locations] a covered employer — [name/role] confirms coverage for each work location and keeps this section current.

To take FMLA leave, an employee must also meet the FMLA's eligibility criteria, which depend on length and amount of service — [name/role] checks requests against the current DOL criteria rather than restating figures that can change. State programs listed below have their own eligibility rules, which can cover employees the FMLA does not.

Reasons for leave

Eligible employees may take leave under this policy for the qualifying reasons the FMLA recognizes (per the DOL):

- The birth of a child, and bonding with the newborn.
- The placement of a child with the employee for adoption or foster care, and bonding with that child.
- The employee's own serious health condition that leaves them unable to perform the essential functions of their job, including pregnancy-related incapacity.
- Caring for the employee's [spouse, child, or parent — as defined by the FMLA] with a serious health condition.
- Qualifying needs arising from a family member's covered military service, including military caregiver leave [see the DOL for the current terms of its separate entitlement].
- Bonding leave is available to all parents on equal terms, regardless of gender.

Requesting leave

- Tell [name/role] as soon as the need is known — with [advance notice consistent with current FMLA rules] where the leave is foreseeable, such as a due date or scheduled treatment.
- Employees do not need to say "FMLA" — any request signaling a qualifying reason is treated as a potential FMLA request, and managers route it to [name/role] the same day.
- [Your company] may require medical certification, using the current DOL forms and process, and will give the eligibility, rights, and designation notices the FMLA requires, within its timeframes.
- Leave may be taken in one block or — where the FMLA allows — intermittently or on a reduced schedule, arranged with [name/role]. [Applications for state wage-replacement benefits are covered in the state section below.]

Pay during leave

FMLA leave is unpaid — there is no federal paid family leave. Pay during leave comes from the layers that apply to each employee:

- Accrued PTO: employees [are required to / may elect to] substitute accrued PTO during otherwise unpaid FMLA leave, per the PTO policy [subject to state program rules on combining PTO with state benefits].
- State paid family leave benefits, where the employee works in a state with a program — see the state section below.
- [Short-term disability benefits, where [Your company] offers them and the absence qualifies under the plan.]
- [Any [Your company] paid parental or medical leave: [amount, eligibility] — provided by choice, on the terms here.]

Benefits and job protection

During FMLA leave, [Your company] maintains group health coverage on the same terms as if the employee were working, per the FMLA; the employee's premium share is paid by [arrangement during leave]. On return, the employee is restored to the same or an equivalent job — equivalent pay, benefits, and conditions — as the FMLA requires.

Taking leave under this policy is never held against an employee: it does not count against attendance or performance standards, and retaliation for requesting or taking protected leave is treated as a serious violation. [Fitness-for-duty certification may be required before return from leave for the employee's own condition, applied consistently and with notice.]

State paid family leave programs

Many states and some localities now operate paid family and medical leave programs, funded by payroll contributions, with their own eligibility rules, benefit amounts, covered relationships, and job protections that can be broader than the FMLA's. A policy that stops at federal law misstates the rights of employees in those states — which is why this section exists.

For each state where [Your company] employs people: [state] — [program name; who is eligible; how to apply; how benefits coordinate with PTO and any [Your company] paid leave; required notices and posters]. [Name/role] checks each program's official authority [frequency, e.g. annually] and whenever [Your company] starts employing in a new state — the state authority's current guidance controls over anything summarized here.

Records and review

Leave requests, designations, certifications, and related records are kept at [system/location] for [period] — medical information is kept confidential, in files separate from the personnel file, with access limited to [roles]. Required FMLA and state postings are displayed at [locations] and kept current.

This policy is reviewed [frequency, e.g. annually], whenever [Your company] starts employing in a new state, and whenever federal or state leave law changes. Owner: [name/role]. Next review due: [date].

How to use this template

1. Confirm whether the FMLA covers [Your company] — 50 or more employees within 75 miles, per the DOL — and mark the coverage line accordingly for each location.
2. Build the state section first if you employ in a paid-family-leave state: that is where employees' real pay entitlements live.
3. Decide the PTO substitution rule — required or elective — and align it with the PTO policy and any state program coordination rules.
4. Train managers to recognize a leave request that never says "FMLA" and route it to [name/role] the same day — most FMLA failures start with an unrecognized request.
5. Diary the annual state-law check — this is the fastest-moving area of US employment law, and last year's policy is often already wrong somewhere.

Official guidance

- › [DOL — Family and Medical Leave Act \(FMLA\)](#)
- › [DOL — Employer's guide to the FMLA](#)
- › [DOL — State labor laws](#)

› [EEOC — Pregnancy discrimination](#)

This template is provided in good faith and for general information — it is not legal advice. Adapt it to your organisation and, where your sector carries specific legal requirements, have the finished document reviewed by a qualified adviser. The live version at <https://trainedteam.com/templates/fmla-leave-policy-template> is kept current; this file is a snapshot.