



US DOL Clarifies FMLA Leave **Leave Begins When Employer Identifies Qualifying Event**

The U.S. DOL issued an [opinion letter](#) stating that employers cannot delay designating an employee's leave as qualified under the Family and Medical Leave Act ([FMLA](#)).

In its letter, DOL said that the FMLA allows employees to take up to 12 weeks of unpaid, job-protected leave per year for qualifying family or medical reasons. However, an employer may require or an employee may choose to use accrued paid vacation and/or sick leave as part of that time. The FMLA also requires employers to provide employees who request leave for a qualifying reason with a written notice that the time off will be designated as FMLA-leave within five days. Thus, according to DOL, employers cannot delay this formal FMLA-leave notice so that employees can exhaust paid leave before beginning up to 12 weeks of unpaid leave.

DOL also stated that its opinion letter should not be construed as allowing employers not to honor more generous family or medical leave policies that they may have.

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