



Family and Medical Leave Act and Migraines: What You Need to Know

What is the FMLA?

The Family and Medical Leave Act (FMLA) has been a United States (US) law since 1993. It allows workers to take up to 12 weeks of time off each year **without** pay.

To qualify to take FMLA leave, you must have:

✓ **WORKED AT LEAST
12 months
DURING THE PAST
7 years**

If you have not been employed outside the home that much, you do not qualify for FMLA.

✓ **WORKED AT LEAST
1,250 hours
DURING THE LAST
12 months**

you worked. This is about 24 hours a week if you worked every week, or about 26 hours a week if you took 2 weeks of vacation or sick time.

✓ **WORKED AT A COMPANY
WITH AT LEAST
50 employees
OR YOUR COMPANY
MUST HAVE
50 employees**

within 75 miles of where you work.

This means that you have to work a certain amount to qualify for FMLA, and only some employers can offer it.

When can I take FMLA?

You can take FMLA only in certain situations, like if you have:

- A serious health condition, such as chronic migraine, that keeps you from doing your job
- A new child born to you, a new child adopted into your family, or a new foster child
- A parent, spouse, or child with a serious health condition, if you need to care for them
- A situation related to military service that qualifies you for FMLA

When taken for health reasons, your employer might require you to prove that you have a serious health condition. If so, you, your employer, and your healthcare provider can work together to complete an FMLA certification form (www.dol.gov/whd/forms/WH-380-E.pdf).

Can I start and stop my FMLA?

Yes. You get 12 weeks of leave each year if you qualify for FMLA, and you do not have to take it all at once. You can use it when you need it, use it to work part time, or take it all at once.

Are there drawbacks to FMLA?

Yes. If you have migraines, FMLA can help. But there are some disadvantages. These include:

- You are not paid while you take FMLA, so you can keep your job, but you lose the income you would earn if you were working
- You might need to use up your vacation and sick days first—your employer can require you to do this
- Unless your healthcare provider said your condition would last a certain amount of time, you might need to see a provider every 30 days to show that you still have migraine; this is called being “recertified”



Learn more about FMLA

- See the official FMLA rules from the US Department of Labor (www.dol.gov/whd/fmla/)
- See FMLA information on having a serious health condition (www.dol.gov/whd/fmla/fmla-faqs.htm#9)

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