Military Caregiver Leave

Decision Tree

Has the employee worked 1) for the State for 12 months, and 2) for at least 1,250 hours during the 12 months before leave begins?

No → Employee cannot take FMLA Military Caregiver Leave.

Yes ↓

Has the employee already used 26 weeks of FMLA Military Caregiver Leave during the current 12 month period?

Yes → Employee cannot take FMLA Military Caregiver Leave.

No ↓

Is the employee the spouse, parent, child, or next of kin of the covered service member?

No → Employee cannot take FMLA Military Caregiver Leave.

Yes ↓

Is the service member for whom the employee is requesting leave:

1) A current member of the Armed Forces or veteran discharged within 5 years before the requested FMLA Military Caregiver Leave begins? (Note: exclude from the calculation of 5 years the period between Oct. 28, 2009 – March 8, 2013);
2) Undergoing medical treatment, recuperation, or therapy; in outpatient status; or on the temporary disability list?; and,
3) Have a "serious injury or illness" incurred or aggravated in the line of duty?

No → Employee cannot take FMLA Military Caregiver Leave.

Yes ↓

Employee may take FMLA Military Caregiver Leave.