

Immediate Family Member – for the purposes of the FMLA, immediate family member is defined as the spouse, child, or parent of the employee.

Spouse – a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

Child – includes foster, legal ward, step, or other child under the age of 18 (unless the adult child is incapable of “self-care” because of a mental or physical handicap) for whom the employee stands in place of a parent.

Parent – the biological or step parent of an employee or an individual who stands or stood in loco parentis to an employee when he or she was a child.

Next of Kin Relatives- nearest blood relative other than spouse, parents, or children, when the injury is incurred in the line of duty, including siblings, grandparents, aunts and uncles, and first cousins.

Qualifying Exigencies – may include short notice deployments (seven days or less), attending certain military events, arranging for childcare or attending school meetings, addressing certain financial and legal affairs, attending certain counseling sessions, attending post-deployment reintegration briefings, rest and recuperation (up to five days), and other events rising out of active duty or call to duty.

Serious Health Condition – defined as an injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential care facility or a continuing regimen of treatment by a health care provider.

Health Care Provider – includes doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, Christian Science practitioner, clinical social worker, and health care providers from whom the employer or the employer’s group health care plan will accept certification of a serious health condition, and any health care provider meeting the preceding definition authorized to practice in another country.

Continuing Treatment by a Health Care Provider – a period of incapacity (inability to work, attend school, or perform other regular daily activities due to a serious health condition) of more than three consecutive calendar days, involving:

1. Treatment two or more times by a health care provider, or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider’s supervision;
2. Pregnancy or prenatal care qualifies even if an employee does not receive treatment and even if the care does not last three days;
3. A chronic serious health condition, defined as one that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than continuous incapacity (e.g., asthma, severe morning sickness).
4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer’s disease, severe stroke, terminal stages of a disease).
5. An absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that likely would result in incapacity of more than three consecutive calendar days in the absence of medical treatment (e.g., cancer, severe arthritis).

In addition to these five broad categories, the FMLA regulations also include in the definition of “continuing treatment by a health care provider” allergies or mental illness resulting from stress, but only if they meet all of the other criteria of a serious illness, and substance abuse, but only if the employee is taking leave for treatment by a health care provider.

Treatment – includes, but is not limited to, examinations to determine if a serious health condition exists. It does not include routine physicals, routine eye examinations, or routine dental examinations. A course of prescription medicine or therapy qualifies as a “regimen of continued treatment,” but over-the-counter medicines do not. Specific conditions listed that do not qualify for FMLA leave include: cold, flu, earaches, upset stomach, minor ulcer, headaches (other than migraines), and routine dental or orthodontia problems and periodontal disease. Cosmetic treatments are not considered a serious health condition unless medically required or complications arise.

Intermittent Leave – any leave taken in separate blocks of time due to a single illness or injury, rather than in one continuous period of time (e.g., kidney dialysis or physical therapy regimen).