

# Emergency COVID-19 FMLA Eligibility Decision Tree

Does your company have under 500 Employees?



Yes

No

Has employee worked for at least 30 days?

Is employee unable to work or telework due to school or child care closed for minor?

  
New FMLA does not apply to your company.

  
New employees under 30 days are not eligible for COVID-19 FMLA.







Employee to be given 10 weeks FMLA paid at 2/3 of regular rate after unpaid (or uses other leave) first 10 days of leave.

Employee is not eligible for COVID-19 FMLA if school and/or child care are open.