



ADMINISTRATIVE SERVICES HUMAN RESOURCES

FMLA DEFINITION OF SERIOUS HEALTH CONDITIONS

Based on guidelines from the U.S. Department of Labor

**Incapacity, as referred to in this table is defined as the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.*

| Type | Qualifying Criteria | Examples |
|--|---|--|
| Hospitalization and Subsequent Treatment | Incapacity* involving an overnight stay in a hospital or residential medical care facility. | Hospitalization for surgery Post-surgery follow up care |
| Pregnancy and Prenatal Care | Any period of incapacity | Morning sickness Doctor's visit for prenatal care |
| Chronic Conditions | Any period of incapacity due to a chronic condition which: 1. Requires periodic visits for treatment; 2. Continues over an extended period of time; and 3. May cause episodic rather than continuous incapacity | Asthma, diabetes, epilepsy |
| Conditions Requiring Multiple Treatments | Any period of incapacity for restorative surgery after an accident or injury or for conditions that if left untreated would result in incapacity of more than 3 full consecutive calendar days. | Chemotherapy or radiation for cancer Dialysis for kidney disease Physical therapy for arthritis |
| Permanent or Long Term Conditions | Any period of incapacity. Employee must be under the continuing supervision of a doctor for a condition for which treatment may not be effective. | Alzheimer's, severe stroke, terminal disease |
| Other Health Conditions | Incapacity must be for more than 3 full consecutive calendar days AND 1. Involves treatment 1 time by a health care provider followed by a continuing regimen of treatment (first visit within 7 days of first day of incapacity) OR 2. Involves treatment 2 or more times by a health care provider (second visit within 30 days of first day of incapacity) | (Not normally included: common cold, flu, earache, routine dental problems) Physical therapy sessions ordered by a doctor for a broken leg A visit to the doctor followed by a course of antibiotics |

This fact sheet is for general information and is not to be considered in the same light as official statements of position contained in the regulation.