

Family Medical Leave Act Update: Employers Should Look Beyond the Acronym FMLA to Understand Employee Requests for Leave

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When an employee knows about the need for leave in advance, it is their responsibility to request leave under the Family and Medical Leave Act (“FMLA”) on at least thirty (30) days’ notice if it is practical and possible to do so. However, employees often request FMLA leave for reasons that are unplanned and unexpected. In that case, employees do not need to specifically state that they are asking for leave under the FMLA. They only need to provide enough information to their employer so that their employer understands that they are asking for a leave that may qualify for protection under FMLA. In other words, as per FMLA regulations, the employee only needs to provide a “short and plain statement” of the employee’s need for leave, and does not need to use any “magic words.”

Examples of FMLA Leave Requests That Do Not Use The “Magic Words”

The following are some examples of statements that may be made by employees that may indicate that they are asking for FMLA leave. Although none of the requests specifically mention the FMLA by name, they each are asking for time off for what could be an FMLA qualifying reason.

- “My doctor says I need to take time off for medical reasons.”
- “My Mother is ill and I need to take some time to care for her.”
- “My child has a medical condition and is going through a tough time now and I need to take time to take care of him.”
- “I need some family time off when my child’s adoption goes through, so we can bond.”
- “I’m adjusting to new medication that I just started and need some days off to get used to it.”
- “I have a family emergency.”

Employers should remember that an employee does not need to disclose a specific diagnosis to qualify for FMLA leave, just enough information about the reason for leave that the employer can determine whether the reason for the request qualifies the employee for FMLA leave.

TAKEAWAY: Employers should train supervisors to listen for employee leave requests, even when they are not stated in a formal manner. Supervisors should understand that such a request, even if made in passing, is a request for FMLA leave. If you have questions on the FMLA, or any other employment law, please contact [Stephanie D. Gironda](#) or any member of the Wilentz [Employment Law](#) Team.

Attorney

- Stephanie D. Gironda

Practice

- Employment Law