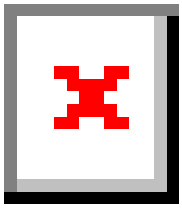
Clarity On What Constitutes An "Overnight Stay" Under The Family And Medical Leave Act

June 25, 2015



Employment Law Monthly - June 2015

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The Third Circuit recently interpreted a Department of Labor ("DOL") regulation under the Family and Medical Leave Act ("FMLA") that provides clarity to employers on whether the employee's hospital stay qualifies as an "overnight stay" under the FMLA. The clarification is important for employers to determine if their employee's inpatient care at a hospital is enough to be classified as a serious health condition under the FMLA. The Third Circuit held that the language "overnight stay" with respect to inpatient care under the FMLA means a stay in a hospital, hospice, or residential medical care facility for a substantial period of time from one calendar day to the next calendar day as measured by the individual's time of admission and time of discharge. Bonkowski v. Oberg Industries, Inc., 2015 WL 2444503 (3d Cir. May 22, 2015).