



COVID-19 FAQ

2. Would an employee be eligible for FMLA over “anxiety” relating to contracting COVID-19?

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Answer: Generally, an employee's “anxiety” over potentially being exposed or contracting COVID-19 would not be covered unless it fits the definition of a “serious health condition” under the FMLA. A serious health condition is a condition that involves inpatient care or one that incapacitates you (for example, unable to work) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication). So in some cases of minor flu symptoms, FMLA would not be available – but flu with complications could become a “serious health condition” under the FMLA. Keep in mind too that the FMLA only applies to private sector employers with 50 or more employees or public agencies regardless of the number of employees.