

# Summer FMLA leave to care for child: Permissible?

**Q. An employee asked to take 12 weeks of FMLA leave this summer because her kindergarten-age child will be out of school. She says her child is special-needs and can't go to summer camp. Do we have to allow her to take what amounts to an unpaid summer vacation? — W.G., Ohio**

**A.** It appears doubtful that this leave would qualify under the FMLA. However, the answer isn't entirely clear with this little amount of information. You should request further information from the employee to process the leave request.

The FMLA permits qualified employees to take up to 12 weeks of leave each year for, among other things, caring for a child who is incapable of self-care because of a mental or physical disability. Incapable of self-care means that the individual requires "active assistance or supervision" to provide daily self-care. It is not intended to provide leave to employees who simply want to provide child care to a child who happens to have a serious health condition.

In assessing this request, explore whether the child's special needs qualify as a "serious health condition" under the FMLA, and whether the child is unable to participate in camp because of the child's need for care due to his or her health condition.