

Can unmarried couple both take FMLA leave for newborn?

Q. A while ago two of our employees developed a romantic relationship. They are now expecting a baby and both put in a request for family leave to bond with their newborn. Are we required to give both workers leave for the birth of their child—even if they are not married?

A. The FMLA entitles employees to take up to 12 weeks of unpaid, job-protected leave each year for certain family and medical reasons, including the birth or adoption of a child, or placement of foster children.

However, the FMLA permits employers to limit the leaves of parent co-workers *if they are married*. The law states: “In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period.”

So under the FMLA, you *would not* be able to limit the bonding leave of unmarried employees.