

Code of Federal Regulations
Title 29. Labor
Subtitle B. Regulations Relating to Labor
Chapter V. Wage and Hour Division, Department of Labor
Subchapter C. Other Laws
Part 825. The Family and Medical Leave Act of 1993 (Refs & Annos)
Subpart A. Coverage Under the Family and Medical Leave Act

29 C.F.R. § 825.102

§ 825.102 Definitions.

Effective: March 27, 2015

For purposes of this part:

Act or FMLA means the Family and Medical Leave Act of 1993, [Public Law 103–3](#) (February 5, 1993), 107 Stat. 6 ([29 U.S.C. 2601 et seq.](#), as amended).

[Definitions of ADA through Employ omitted]

Employee has the meaning given the same term as defined in section 3(e) of the Fair Labor Standards Act, [29 U.S.C. 203\(e\)](#), as follows:

(1) The term employee means any individual employed by an employer;

(2) In the case of an individual employed by a public agency, employee means—

(i) Any individual employed by the Government of the United States—

(A) As a civilian in the military departments (as defined in [section 102 of Title 5, United States Code](#)),

(B) In any executive agency (as defined in [section 105 of Title 5, United States Code](#)), excluding any Federal officer or employee covered under subchapter V of chapter 63 of Title 5, United States Code,

(C) In any unit of the legislative or judicial branch of the Government which has positions in the competitive service, excluding any employee of the United States House of Representatives or the United States Senate who is covered by the Congressional Accountability Act of 1995,

(D) In a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces, or

(ii) Any individual employed by the United States Postal Service or the Postal Regulatory Commission; and

(iii) Any individual employed by a State, political subdivision of a State, or an interstate governmental agency, other than such an individual—

(A) Who is not subject to the civil service laws of the State, political subdivision, or agency which employs the employee; and

(B) Who—

(1) Holds a public elective office of that State, political subdivision, or agency,

(2) Is selected by the holder of such an office to be a member of his personal staff,

(3) Is appointed by such an officeholder to serve on a policymaking level,

(4) Is an immediate adviser to such an officeholder with respect to the constitutional or legal powers of the office of such officeholder, or

(5) Is an employee in the legislative branch or legislative body of that State, political subdivision, or agency and is not employed by the legislative library of such State, political subdivision, or agency.

[Definitions of Employee employed in an instructional capacity through TRICARE omitted]