



FMLA Interference: Elements Chart

“It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under [the Family Medical Leave Act].” 29 U.S.C. § 2615(a)(1).

Element	Evidence
Plaintiff is an eligible employee under the FMLA.	
Defendant is an “employer” under the FMLA.	
Plaintiff was entitled to take leave under the FMLA.	
Plaintiff notified the defendant that she intended to take leave.	
Plaintiff was denied benefits to which she was entitled under the FMLA.	
Statute of limitations: 2 years; 3 years for willful violations.	

This Tip Sheet is designed to provide information to pro se civil litigants in Colorado. It is not a substitute for legal advice from an experienced attorney. If you have any questions, please call the Federal Pro Se Clinic at (303) 380-8786.