



CIVILIAN PERSONNEL SECTION FACTSHEET

Current as of December 2024

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Applicable to U.S. appropriated fund civilian employees

PURPOSE: The FMLA entitles eligible employees to take job-protected leave without pay (LWOP) for specific qualifying events.

EVENTS COVERED BY THE FMLA

1. The birth of a child and the care of a newborn (see also, Paid Parental Leave Factsheet*)
2. The placement and care of a child via adoption or foster care (see also, Paid Parental Leave Factsheet)
3. The care of the employee's spouse, child, or parent with a serious health condition**
4. The employee's serious health condition that renders the employee unable to perform an essential job function
5. A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. (See also, OPM Factsheet: Family and Medical Leave Qualifying Exigency Leave)

*See REFERENCES section below for links to all references in this factsheet.

**Serious health condition is defined in 5 CFR § 630.1202.

ELIGIBILITY AND EXCLUSIONS

Eligible employees must have completed at least 12 months of qualifying civilian service, military service, or a combination of both. The civilian service may be eligible Non-Appropriated Fund (NAF) service, and the periods of service are not required to be recent, consecutive, or with the same agency or branch of service. Both full- and part-time employees are eligible. Employees on an intermittent appointment (i.e. employment without a regularly scheduled tour of duty) or on a temporary appointment of one year or less are not eligible.

ENTITLEMENT

A covered full-time employee is entitled to a maximum of 12 workweeks (480 hours) of LWOP during the 12-month period beginning the date the employee first takes FMLA and ending 12 months later. The amount of the hour allotment and the starting/ending dates of the 12-month period remain the same if the employee submits a request for a new FMLA-qualifying reason within the original 12-month period. The hour allotment is pro-rated for part-time employees.

For FMLA granted in connection with care of a covered servicemember, the leave entitlement is 26 administrative workweeks in a single 12-month period. This leave applies to an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember and who provides care for the covered servicemember.

An employee may take FMLA consecutively or intermittently.

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Management may not force an employee to take FMLA or penalize an employee for taking FMLA.

EMPLOYEE REQUEST AND SUPERVISOR APPROVAL

If the need for FMLA is foreseeable, the employee should request it at least 30 days in advance (or as soon as practicable for requests to care for a military member), by alerting their first-line supervisor. If the need is not foreseeable, the employee or their personal representative shall provide notice within a reasonable period appropriate to the circumstances. Generally, FMLA may not be applied retroactively. However, if the employee and their personal representative are physically or mentally incapable of making the request *during the entire period* in which the employee is absent, a retroactive request is permissible as soon as practicable, but in no case later than five workdays after the employee returns to work. In such cases, the incapacity of the employee must be documented by a written medical certification from a health care provider. In addition, the employee must provide documentation acceptable to the agency explaining the inability of his or her personal representative to contact the agency and invoke the employee's entitlement to FMLA leave during the entire period in which the employee was absent from work for an FMLA-qualifying purpose.

The first-line supervisor is the leave-approving authority for FMLA and will grant FMLA provisionally pending receipt of timely written medical certification.

REQUIRED DOCUMENTATION

The employee must present the first-line supervisor with documentation supporting their request. Sufficient documentation is required within 15 days of the date that the Air Force requests it. Supervisors may grant up to an additional 15 days to an employee who is unable to meet the deadline despite their diligence in attempting to meet it. If an employee does not comply with the request for sufficient medical documentation, the employee is not entitled to leave under the FMLA, and the employee's timecard may be coded as absent without leave (AWOL). AWOL is an unapproved leave status that can serve as the basis for a disciplinary action.

Certification for placement and/or care of the employee's child in the first year must be supported by evidence that is administratively acceptable to the supervisor (e.g., legal documentation supporting adoption of a child or a surrogate arrangement). Medical certification must be completed by a qualified health care provider for requests for FMLA due to birth or a serious health condition. Employees may use the form WH-380-E or WH-380-F (as applicable and linked below under REFERENCES) to provide medical certification.

If the circumstances described in the original certification change significantly, the supervisor may require the employee to provide an updated certification.

A supervisor may waive renewal certification for an employee's chronic or continuing serious health condition.

New certification is required for each new FMLA-qualifying event.

SUBSTITUTING PAID LEAVE FOR LWOP

An employee may voluntarily substitute the following types of paid leave for LWOP: annual, sick, advanced annual, advanced sick, donated annual, paid parental (see also, Paid Parental Leave Factsheet). Normally, this cannot be done retroactively; the exception is leave donated under the Voluntary Leave Transfer Program (see also, Voluntary Leave Transfer Program Factsheet).

INTERMITTENT FMLA

An employee using FMLA intermittently must follow leave requesting procedures as directed by the supervisor. This includes requesting the leave as soon as the need is known and indicating the date, type, and amount of leave needed. Management may not request medical documentation for each use of intermittent leave; the original FMLA paperwork satisfies documentation requirements.

TIMEKEEPING

For questions about how to code a specific FMLA leave request and hours of FMLA leave taken in the Automated Time Attendance and Production System (ATAAPS), the employee and supervisor should consult the organization's timekeeper. Where an organization does not have a designated timekeeper, or when the timekeeper is unsure of the proper coding, the chain of command should escalate the inquiry to the Civilian Pay Office ([Ramstein Air Base > Contact > Ramstein Finance Customer Service](#)).

Supervisors must also manually keep track of how much FMLA is used to ensure the employee is afforded all, but no more than, their 12-week entitlement. ATAAPS does not perform this function.

SUPERVISOR RESPONSIBILITIES

First-line supervisors have the responsibility to determine FMLA eligibility, approve/deny requests, manually track FMLA balances, and maintain documentation while safeguarding Protected Health Information (PHI). Due to the complex nature of FMLA, it is highly recommended that supervisors contact their Employee Relations Specialist (contact information is found in the footer below) as soon as an employee requests FMLA information or invokes their entitlement, and throughout the process as needed.

Emails should be marked as PHI and encrypted to safeguard the confidential medical information.

Supervisors may **NOT** contact the employee's health care provider to request information.

Supervisors should initiate a request for personnel action if the employee will be on LWOP for more than 30 consecutive days. The supervisor should also direct the employee to the OPM Factsheet on the impact of long-term LWOP on Federal Benefits.

EMPLOYEE COMPLAINTS

Congress has not provided any agency with specific oversight or investigative authority with respect to agencies' FMLA leave programs. An employee who believes the Air Force has not fully complied with the requirements of the FMLA may review the Complaint Systems Factsheet for information on pursuing a grievance or complaint.

EXCEEDING THE FMLA ALLOTMENT

An employee who believes they may exceed their FMLA leave allotment should immediately notify their supervisor. The supervisor should contact their Employee Relations Specialist for guidance (contact information is found in the footer below). An employee who exhausts their paid leave and FMLA, and who is not in an approved leave status (e.g., LWOP as a reasonable accommodation for an employee with a disability), could be subject to discipline up through and including removal from the Federal service.

FMLA ABUSE

Disciplinary action, up through and including removal, may be taken against an employee who provides false certification and/or uses FMLA leave for other than approved purposes.

REFERENCES

- Factsheets (Ramstein CPF website): <https://www.ramstein.af.mil/Resources/Civilian-Personnel-Flight/>
- 5 CFR § 630.1202 (regulation defining “serious health condition”): <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-630>
- WH-380-E - Certification of Health Care Provider for Employee’s Serious Health Condition Under the Family and Medical Leave Act: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-E.pdf>
- WH-380-F - Certification of Health Care Provider for Family Member’s Serious Health Condition under the Family and Medical Leave Act: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-F.pdf>
- OPM Factsheet: Effect of Extended Leave without Pay (LWOP) (or Other Nonpay Status) on Federal Benefits and Programs: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/effect-of-extended-leave-without-pay-lwop-or-other-nonpay-status-on-federal-benefits-and-programs>
- DODI1400.25V630_DAFI36-815, *Leave*: <https://www.e-publishing.af.mil/> (To find policies specific to civilian personnel, click "Publications and Forms" at the top of the page, then click “Air Force,” then “Departmental,” then “36 Personnel.” Finally, type your search term [e.g., “Leave”] in the “Filter” field.)
- 5 USC §§ 6381 to 6387 (Federal statute provision on Family and Medical Leave): <https://uscode.house.gov/>
- 5 CFR Part 630 (OPM regulation *Absence and Leave*, Subpart L- *Family and Medical Leave*): <https://www.ecfr.gov/>
- myFSS Answer ID: 000005527 *Family Related Leave and Absences*: <https://myfss.us.af.mil/USAFCommunity/s/knowledge-detail?pid=kA0t0000000w19xCAA>
- OPM Factsheet: Family and Medical Leave Act (FMLA) 12-Week Entitlement: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>
- OPM Factsheet: Family and Medical Leave Qualifying Exigency Leave: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave-qualifying-exigency-leave/>