

The Family and Medical Leave Act (FMLA)

This notice is provided to assist National Aeronautics and Space Administration (NASA) employees in understanding and using your Family and Medical Leave Act (FMLA) benefits. When you or a loved one experiences a serious health condition that requires you to take time off from work, the stress from worrying about keeping your job may add to an already difficult situation. FMLA may be able to help.

Whether you are unable to work because of your own serious health condition, or because you need to care for your parent, spouse, or child with a serious health condition, the FMLA provides unpaid, job-protected leave. Leave may be taken all at once or may be taken intermittently as the medical condition requires.

Please note that for specific questions regarding your center's FMLA process, you should contact your Servicing Human Resources (HR) Office.

Entitlement:

Under FMLA, most NASA employees are entitled to up to 12 weeks of unpaid leave during any 12-month period for the following purposes:

- The birth of a child of the employee and the care of such child.
- The placement of a child with the employee for adoption or foster care.
- The care of spouse, child, or parent of the employee who has a serious health condition.
- A serious health condition of the employee that makes the employee unable to perform the essential functions of the position.
- Any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

In most cases, FMLA does not apply to employees who have completed less than 12 months of service, are in temporary positions limited to one year or less, or are in intermittent positions.

Unpaid FMLA leave is in addition to other paid time off available to an employee.

Note: The National Defense Authorization Act of 2020 provides up to 12 weeks of paid parental leave in connection with the birth, adoption, or foster care placement of a child occurring on or after October 1, 2020. Additional guidance on the paid parental leave program can be found in the [Federal Employee Parental Leave Act \(FEPLA\) Overview of Paid Parental Leave](#) and the [Paid Parental Leave Frequently Asked Questions \(FAQs\)](#).

Entitlement relating to family member's military service:

FMLA also provides up to 26 weeks of unpaid leave in any 12-month period for employees who must care for a family member who incurred a serious injury or illness related to active-duty military service. Details regarding this entitlement and about FMLA leave for qualifying exigencies relating to a family member's military service can be found on the OneNASA Office of the Chief Human Capital Officer (OCHCO) website. You may locate related fact sheets by following these steps:

1. Visit <https://nasa.sharepoint.com/sites/OCHCO/SitePages/leave-benefits-and-programs.aspx#sick-leave>.
2. Scroll down, and click the **Family Medical Leave for Servicemembers** button under the Sick Leave heading.

Intermittent use and substitution of paid leave:

Under certain conditions, an employee may use FMLA leave intermittently. An employee may elect to substitute accrued leave, consistent with current laws and regulations, for any unpaid leave under FMLA. (The amount of sick leave that may be used to care for a family member is limited – refer to the OPM guidance regarding Sick Leave to Care for a Family Member with a Serious Health Condition.) You may locate the OPM guidance on the OneNASA OCHCO website by following these steps:

1. Visit <https://nasa.sharepoint.com/sites/OCHCO/SitePages/leave-benefits-and-programs.aspx#sick-leave>.
2. Scroll down, and click the **Care for a Family Member with a Serious Health Condition** under the Sick Leave heading.

Definitions of terms relating to FMLA:

The definitions of the terms “son” and “daughter” in FMLA regulations provide that employees with day-to-day responsibilities to care for or provide financial support for a child, even if they do not have a biological or legal relationship to the child, may be eligible for leave under FMLA. Examples might include a stepparent, a domestic partner of a child's biological parent, or a grandparent. The term “spouse” is defined as a partner in any legally recognized marriage, regardless of the employee's state of residency. For further information, visit the OneNASA OCHCO website by following these steps:

1. Visit <https://nasa.sharepoint.com/sites/OCHCO/SitePages/leave-benefits-and-programs.aspx#sick-leave>.
2. Scroll down, and click the **Family Member Definitions for Federal Leave Purposes** under the Sick Leave heading.

Job benefits and protection:

- Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

- An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave must pay the employee share of the premiums consistent with current laws and regulations.

Advance notice requirements and medical certification:

- An employee must provide notice of an intent to take FMLA leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- Medical certification may be required from an employee who requests FMLA. Periodic reports of an employee's status and intent to return to work may be requested. Medical information provided is protected and subject to the confidentiality provisions of the Privacy Act.
- Employees may use the Department of Labor FMLA Medical Certification Form for Employee's Serious Health Condition - WH-380-E, FMLA Medical Certification for a Family Member's Serious Health Conditions - WH-380-F, or FMLA Certification for Qualifying Exigency - WH-384. For further information, visit the OneNASA OCHCO website by following these steps:
 1. Visit <https://nasa.sharepoint.com/sites/OCHCO/SitePages/leave-benefits-and-programs.aspx#sick-leave>.
 2. Scroll down and click **Family and Medical Leave** under the Sick Leave heading.

Related links:

- NASA Procedural Requirements (NPR) 3600.1, Attendance and Leave: http://nodis3.gsfc.nasa.gov/main_lib.html. Click the **3000-3999 Human Resources and Personnel** link. Then click the **NPR 3600.1** link.
- OPM Leave Administration webpage: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/>.

For questions concerning this notice, contact:

NASA Shared Services Center (NSSC) Customer Contact Center
877-677-2123 (877-NSSC123) or nssc-contactcenter@mail.nasa.gov