

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.

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 a spouse, child (normally under 18 years of age), 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 (of any age), 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 qualifying federal or military service, are in temporary positions limited to one year or less, or are in intermittent positions. However, FMLA-ineligible employees may be eligible for discretionary unpaid leave.

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

Note: The National Defense Authorization Act of 2024 amended FMLA to include honorable active service in the Army, Navy, Air Force, Space Force, and Marine Corps as qualifying service for FMLA and paid parental leave eligibility purposes. This includes full-time National Guard duty with the Army or Air Force, consistent with current laws, regulations, and guidance from the Office of Personnel Management (OPM). This change is effective as of December 22, 2023, and shall not be applied retroactively.

Please contact your supervisor and/or servicing Human Capital Office regarding questions about FMLA requests.

Entitlement relating to family member's military service:

FMLA provides expanded coverage, up to 26 weeks of unpaid leave in any 12-month period, for employees who must care for a spouse, child, parent, or next of kin who incurred a serious injury or illness related to covered active-duty military service. Additional information on terms relating to up to 12 weeks of unpaid leave in any 12-month period for qualifying military exigencies 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 the [Leave Benefits & Programs](#) webpage.
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 annual, sick, or paid parental 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 the [Leave Benefits & Programs](#) webpage.
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 the stepparent, domestic partner of a child's biological parent, or grandparent of a child under 18 years of age or an older child who is incapable of self care consistent with current laws and regulations. The term “spouse” is defined as a partner in any legally recognized marriage, regardless of the employee's state of residency. The term “serious health condition” includes certain illnesses, injuries, impairments, or physical or mental conditions as described in FMLA regulations.

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 the [Leave Benefits & Programs](#) webpage.
 2. Scroll down and click **Family and Medical Leave** under the Sick Leave heading.

Related links:

- [Federal Employee Parental Leave Act \(FEPLA\) Overview of Paid Parental Leave](#)
- [Paid Parental Leave Frequently Asked Questions \(FAQs\)](#)
- [NASA Procedural Requirements \(NPR\) 3600.1, Attendance and Leave](#). Click the **3000-3999 Human Resources and Personnel** link. Then click the **NPR 3600.1** link.
- [OPM Leave Administration](#) webpage.

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