



CNRJ HUMAN RESOURCES OFFICE

"PROVIDING HR SERVICES THAT ENABLE THE FLEET"

Leave Fact Sheets

FAMILY AND MEDICAL LEAVE ACT (FMLA) UPDATE: QUALIFYING EXIGENCY LEAVE

Effective 31 October 2011, the Office of Personnel Management will amend the existing Family and Medical Leave Act (FMLA) regulations to provide eligible federal employees up to 12 administrative workweeks of unpaid leave for qualifying exigency purposes. A qualifying exigency, an urgent need or demand, arises when the spouse, son, daughter, or parent of a federal employee is on covered active duty in the regular or reserved Armed Forces or has been notified of an impending call/order to covered active duty status. Before an employee can invoke FMLA entitlements for exigency leave purposes, an eligibility determination must be made and an individual analysis must be conducted.

REGULATION: Code of Federal Regulations (CFR), Chapter 5, Part 630, Sections 1201-1213.
<http://frwebgate3.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=IC8UuO/0/1/0&WAIAction=retrieve>

CRITERIA: Individual eligibility determinations for federal employees is based on the following:

1. **EMPLOYMENT STATUS:** The individual must currently meet the definition of an "employee" as described in 5 U.S.C. 6301(2).
2. **CREDITABLE SERVICE:** The employee must have completed at least 12 months of service.

REQUIREMENTS: A qualifying exigency must arise from the fact that an employee's spouse, son, daughter, or parent is a covered military member on current or impending covered active duty in the Armed Forces. Qualifying exigency leave may be taken for the following reasons:

- Short-notice deployments
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities

PROCESS: An employee must certify that he/she is taking FMLA leave for qualifying exigency purpose. The leave request must be supported by appropriate documentation. If the need for qualifying exigency leave is foreseeable, the employee must provide notice as soon as practicable, regardless of how far in advance the leave is being requested. In order to facilitate individual eligibility determinations and fulfill certification requirements, the servicing HRO will require the [attached form](#) to be filled out and submitted with all required supporting documentation. **Lack of supporting documentation will automatically cause denial of FMLA leave for exigency purposes.** Especially important are the following:

1. **Active duty orders.** The employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on covered active duty or has an

impending call to covered active duty status. The documentation must also indicate the dates of active duty service.

2. *Supporting Documentation.* The employee should provide a reasonable amount of information to demonstrate the validity of the qualifying exigency. Adequate documentation will include a signed statement or description with appropriate facts outlining the type of exigency, the date(s) on which the exigency commenced or will commence, the projected period of absence, an estimate of the frequency and duration of the qualifying exigency, and appropriate contact information for any involved third parties.

For questions regarding this fact sheet, you may call CNRJ HRO Code N133 at DSN 243-3410/8198/8184 or your local servicing HRO.

(Current as of October 2011)