

NGFTS

National Guard Full-Time Support



HUMAN RESOURCES INFORMATION LETTER



Oklahoma National Guard Human Resources Office

Joint Force Headquarters, Oklahoma National Guard
Oklahoma City, Oklahoma 73111-4398

No. 09-03
Date: 2 April 2009

Family Medical Leave Act (FMLA)

Subject: Use of the Family Medical Leave Act (FMLA)

References:

National Defense Authorization Act for FY 2008, 29 C.F.R. 825
Public Law 110-181

Eligibility: Oklahoma National Guard (NG) Technicians

Effective Date: 16 January 2009

Use: The Family Medical Leave Act (FMLA) authorizes employees up to 12 workweeks of unpaid leave during any 12-month period for any of the following reasons:

- For the birth and care of the newborn child of the employee
- For placement with the employee of a son or daughter for adoption or foster care
- To care for an immediate family member (spouse, child or parent) with a serious health condition
- To take medical leave when the employee is unable to work because of a serious health condition

FMLA also permits a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

In order to be eligible to use FMLA, the employee must have worked for a total of 12 months. This period of 12-months do not have to be consecutive. Prior to using FMLA, the employee must have worked at least 1,250 hours over the previous 12-months. Employees wishing to use FMLA are required to provide a 30-day advance notice of the need to take FMLA. When 30-days is not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances of the particular case, generally the same day or next business day. Even though FMLA leave is unpaid, an employee may substitute paid leave during the period of FMLA. The use of paid leave does not extend the FMLA leave period. If an employee wishes to substitute paid leave, they follow the same procedures currently in place to use the paid leave.

Your points of contact are LtCol Shirley Kyles at (405) 228-5578 or CPT Mandee Barbee at (405) 228-5527.

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