

Family and Medical Leave Act Military Family Leave: Qualifying Exigencies Frequently Asked Questions and Answers

1. Who qualifies for a leave under the qualify exigency provision?

An employee whose spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

2. What are examples of qualified exigencies?

- Issue arising from a covered military member's short notice deployment (i.e., deployment on seven or less days notice) for a period of seven days from the date of notification.
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare; providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child in a new school or day care facility; and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- Making or updating financial and legal arrangements to address a covered military member's absence.
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment.
- Attending to certain post-deployment activities, such as attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.
- Any other event that the employee and employer agree is a qualifying exigency.

3. If I am eligible, what type of leave can I take?

An eligible employee has up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer of FMLA leave for qualifying exigencies.

FMLA leave may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member.

4. What type of certification is required?

An eligible employee must provide a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which FMLA leave is sought, including contact information if the leave involves meeting with a third party.

An employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.