

FMLA for Care of Servicemember: FAQ	
What is “covered servicemember leave”?	“Covered Servicemember leave” may be taken by an eligible employee to care for a covered servicemember with a serious injury or illness.
Who is eligible to take “covered servicemember leave”?	An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take job-protected FMLA leave to provide care to the servicemember.
Who is a “covered servicemember”?	A “covered servicemember” is a current 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 incurred in the line of duty on active duty.
Can I take covered servicemember leave if I am the stepson or stepdaughter of the covered servicemember or if I am the stepparent of a covered servicemember?	Yes. Under the FMLA for covered servicemember leave, a “son or daughter of a covered servicemember” means a covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, and who is of any age. Under the FMLA for covered servicemember leave, a “parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
What is a “serious injury or illness”?	A “serious injury or illness” is an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.
How much leave may I take to care to for a covered servicemember?	An eligible employee is entitled to take up to 26 workweeks of leave during a “single 12- month period” to care for a seriously injured or ill covered servicemember. The “single 12- month period” begins on the first day the eligible employee takes covered servicemember leave and ends 12 months after that date.
May I take FMLA leave to both care for a covered servicemember and for another FMLA qualifying reason during this “single 12-month period”?	Yes. The regulations provide that an eligible employee is entitled to a combined total of 26 workweeks of covered servicemember leave and leave for any other FMLA-qualifying reason in this “single 12-month period,” provided that the employee may not take more than 12 workweeks of leave for any other FMLA-qualifying reason during this period. For example, in the single 12-month period an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of covered servicemember leave, but could not take 16 weeks of leave to care for a newborn child and 10 weeks of covered servicemember leave.
Can I carry-over unused weeks of covered servicemember leave from one 12-	No. If an employee does not use his or her entire 26-workweek leave entitlement during the “single 12-month period” of leave, the remaining workweeks of leave are forfeited. After the end of the “single 12-month period” for covered servicemember leave, however, an employee may be entitled to take FMLA leave to care for the covered military member if the

month period to another?	member is a qualifying family member under non-military FMLA and he or she has a serious health condition.
Can I take covered servicemember leave as the son or daughter of a covered servicemember if I am 18 years old or older?	Yes. The new FMLA regulations contain special definitions for son and daughter for the military family leave provisions. For covered servicemember leave, an eligible employee may take leave if he or she is the “son or daughter of a covered servicemember,” which is defined as the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
Who is a servicemember’s “next of kin” for purposes of covered servicemember leave?	The regulations define a covered servicemember’s “next of kin” as the servicemember’s nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of covered servicemember leave under FMLA, in which case the designated individual shall be deemed to be the covered servicemember’s next of kin. The regulations provide that all family members sharing the closest level of familial relationship to the covered servicemember shall be considered the covered servicemember’s next of kin, unless the covered servicemember has specifically designated an individual as his or her next of kin for covered servicemember leave purposes. In the absence of a designation, where a covered servicemember has three siblings, for example, all three siblings will be considered the covered servicemember’s next of kin.
Can I take covered servicemember leave to care for a servicemember who is no longer serving in the military? What about for a retired member of the military?	No. Former members, including retired members, of the Regular Armed Forces, the National Guard, or the Reserves are not considered “covered servicemembers” under the covered servicemember leave provision. Covered servicemember leave does cover seriously ill or injured servicemembers on the temporary disability retired list; servicemembers on the permanent disability retired list, however, are not covered.
Can I take covered servicemember leave for more than one seriously injured or ill servicemember, or more than once for	Yes. By regulation, covered servicemember leave is a “per-servicemember, per-injury” entitlement. Accordingly, an eligible employee may take 26 workweeks of leave to care for one covered servicemember in a “single 12-month period,” and then take another 26 workweeks of leave in a different “single 12-month period” to care for another covered servicemember. An eligible employee may also take 26 workweeks of leave to care for a covered servicemember in a “single 12-month period,” and then take another 26

<p>the same servicemember if he or she has a subsequent serious injury or illness?</p>	<p>workweeks of leave in a different “single 12-month period” to care for the same servicemember with a subsequent serious injury or illness (e.g., if the servicemember is returned to active duty and suffers another injury).</p>
<p>Can I take additional covered servicemember leave if a covered servicemember receives a serious injury or illness and then, at a later time, manifests a second serious injury or illness?</p>	<p>Yes. If a covered servicemember incurs a serious injury or illness and manifests a second serious injury or illness at a later time, an eligible employee would be entitled to an additional 26-workweek entitlement to care for the covered servicemember in a separate “single 12- month period.” However, the covered servicemember must still be a member of the Armed Forces, or the National Guard or Reserves, including those on the temporary disability retired list, and the second serious injury or illness must have been incurred in the line of duty on active duty. For example, an eligible employee may take covered servicemember leave to care for a covered servicemember who has suffered a limb amputation in the line of duty on active duty; if that same servicemember manifests a brain injury a year later arising from the same incident, the employee would be eligible to take another 26 workweeks of covered servicemember leave at that time.</p>
<p>Can I care for two seriously injured or ill servicemembers at the same time?</p>	<p>Yes. However, an eligible employee may not take more than 26 workweeks of leave during each “single 12-month period.”</p>
<p>What type of notice must be provided when taking covered servicemember FMLA leave because of a qualifying exigency?</p>	<p>An employee must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. When 30 days advance notice is not possible, the employee must provide notice as soon as practicable taking into account all of the facts and circumstances. When the need for leave is unforeseeable, an employee must comply with the unit’s normal notice or call-in procedures, absent unusual circumstances.</p>
<p>Are there certification requirements for taking covered servicemember leave?</p>	<p>Yes. When leave is taken to care for a covered servicemember with a serious injury or illness, an employee will be required to submit the FMLA Application form and a completed Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave form. For application and eligibility information, go to the FMLA section of the Human Resources site at http://hr.okstate.edu/family-medical-leave-act#FMLAForms .</p>
<p>Are private health care providers, as well as military health care providers, permitted to complete the Certification for Serious Injury or Illness of Covered</p>	<p>Yes. A private health care provider can complete certifications for covered servicemember leave if the health care provider is either a DOD TRICARE network authorized private health care provider or a DOD non-network TRICARE authorized private health care provider. Department of Defense health care providers and Veterans Affairs health care providers can also complete a certification for covered servicemember leave.</p>

Servicemember for Military Family Leave form?	
How is leave designated if it qualifies as both covered servicemember leave and leave to care for a family member with a serious health condition?	<p>For covered servicemember leave that also qualifies as leave taken to care for a family member with a serious health condition, the regulations provide that an employer must designate the leave as covered servicemember leave first. The Department believes that applying covered servicemember leave first will help to alleviate some of the administrative issues caused by the running of the separate “single 12-month period” for covered servicemember leave.</p> <p>The regulations also prohibit an employer from counting leave that qualifies as both covered servicemember leave and leave to care for a family member with a serious health condition against both an employee’s entitlement to 26 workweeks of covered servicemember leave and 12 workweeks of leave for other FMLA-qualifying reasons.</p>
Which types of paid leaves can be used to continue in pay status while on covered servicemember leave?	<p>In order to continue in pay status while on FMLA leave for a covered Servicemember, employees may use the following:</p> <ul style="list-style-type: none"> • Vacation Leave • Sick Leave • Holiday (when applicable)
May the employer designate a leave as covered servicemember leave?	<p>Yes, if the employer has reason to believe that an absence may be due to this FMLAqualifying reason, the employer may designate the leave as FMLA leave.</p>