



OFFICE *of* INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

Human Capital:

Better Managing and Monitoring of Family Medical Leave Act
Use Would Reduce Risks

OIG-A-2025-010 | July 18, 2025

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OFFICE of INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

Memorandum

To: Byl Herrmann
Executive Vice President/Chief Legal and Human Resources Officer

Gerhard Williams
Executive Vice President, Service Delivery and Operations

From: J.J. Marzullo 
Assistant Inspector General, Audits

Date: July 18, 2025

Subject: *Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use Would Reduce Risks (OIG-A-2025-010)*

The Family Medical Leave Act (FMLA),¹ which became law in 1993, provides important protections to employees who need to miss work for their medical conditions or those of a family member. Amtrak (the company) is subject to this law, and in fiscal year (FY) 2023, approximately 2,800 of its 18,700 agreement employees (15 percent) held active approvals for FMLA leave,² allowing them to take off more than 20 percent of their scheduled hours if necessary. Given this volume, the company has faced challenges overseeing its employees' use of FMLA leave, and in October 2020, we reported on employee abuse of FMLA leave and weaknesses in the company's administration of it that could have contributed to such abuse.³

Our objective for this report is to assess the extent to which the company effectively manages FMLA leave. To address this objective, we reviewed the company's policies and other documents outlining its processes for administering FMLA leave. Our scope

¹ Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

² Agreement employees are those covered by collective bargaining agreements. These employees execute various aspects of the company's operations, including building and maintaining infrastructure, preparing equipment for service, operating trains, and providing customer service to passengers.

³ *Management Information Report: Observations and Opportunities to Detect and Reduce FMLA Abuse and Improve Efficiencies in the Program* (OIG-I-2021-504), October 20, 2020.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

focused on agreement employees' use of intermittent FMLA leave, which employees take for ongoing medical conditions, often in hourly or daily increments.⁴

To understand how the company manages and monitors FMLA leave, assess its impacts, and identify any challenges, we reviewed FMLA approval documentation and processes. We also met with 144 supervisors across 5 departments in 11 cities⁵—approximately 24 percent of the 600 supervisors we estimated to be overseeing agreement employees approved for FMLA leave in those departments.⁶ We also administered a survey to 117 of these supervisors to obtain their perspectives on FMLA leave use, oversight, and any challenges.⁷ To assess the effectiveness of the company's controls on FMLA leave use, we analyzed timesheets and hours of service data and reviewed relevant company reports. For more information on our scope and methodology, see Appendix A.

SUMMARY OF RESULTS

The company is committed to ensuring that its employees maintain access to the job protections that FMLA provides, and we found that its process for approving the leave is generally effective. The company, however, does not effectively manage FMLA leave once employees begin using it because of the following two key factors:

- **Unclear roles and responsibilities.** Of the 117 supervisors we surveyed, 90 (77 percent) answered that their role in monitoring FMLA leave is not clearly

⁴ We narrowed our scope to intermittent leave among agreement employees because company officials told us that the unpredictable nature of this leave, combined with agreement employees' specialized skills, presented risks to the company's operations. For more information on our scope and methodology, see Appendix A.

⁵ The five departments were Customer Service, Infrastructure Maintenance and Construction Services, Marketing, Mechanical, and Transportation. We selected these departments because together they employed 94 percent of the total agreement workforce during our review period. The supervisors we interviewed oversee staff in Beech Grove, Indiana; Boston, Massachusetts; Chicago, Illinois; Los Angeles, California; Miami, Florida; New York, New York; Philadelphia, Pennsylvania; Providence, Rhode Island; San Bernardino, California; Washington, D.C; and Wilmington, Delaware. Some supervisors in Los Angeles and San Bernardino, California, also managed employees in Fullerton, Moorpark, Riverside, and San Diego, California.

⁶ For additional information about this estimate, see Appendix A.

⁷ Our survey asked supervisors to reflect on FMLA leave impacts over the 12 months preceding the interview; therefore, we did not administer it to supervisors who had been in their role for less than 12 months at that time. Additionally, some of the supervisors we met with were not available to take the survey.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**

OIG-A-2025-010, July 18, 2025

defined.⁸ Supervisors cited similar confusion about the Human Resources department's oversight role.

- **Insufficient tools and data.** Company systems do not allow supervisors to effectively identify and track employees with FMLA leave approvals. Supervisors must manually track complex leave arrangements, which is time-consuming and impinges on their regular duties. As a result, many supervisors do not track FMLA leave at all. More broadly, without adequate tracking tools, the company does not have reliable data on FMLA leave use companywide.

These challenges persist because the company has not taken the following steps to address them:

- **Define its requirements** for managing FMLA leave—including processes, technology, and data—and assess the costs and benefits of potential solutions.
- **Develop an overarching strategy** to implement potential solutions, such as outsourcing FMLA management, improving existing tools, or a combination of both.
- **Effectively communicate roles and responsibilities** and provide training to those managing and monitoring FMLA leave.

Without more effective management of FMLA leave, the unpredictable nature of FMLA-related absences—and the company's limited visibility regarding them—poses operational, safety, and financial risks. For example, although supervisors recognize the importance of these job protections, they also told us that FMLA leave use affects company operations, such as deferred maintenance and increased overtime.

When surveyed about how often employees taking intermittent FMLA leave impacted operations, 93 of 116 supervisors (80 percent) responded "at least weekly." Without reliable data on FMLA leave use, however, the company cannot quantify these impacts, which hinders its ability to make informed workforce planning decisions and mitigate the associated risks. Moreover, without better monitoring, the company does not have reasonable assurance that employees consistently use their leave appropriately.

To address these weaknesses, we recommend that the company define its requirements for managing and monitoring FMLA leave, evaluate solutions to meet such

⁸ Not all supervisors responded to each question in our survey; therefore, responses do not always add to 117. The population referenced for each question in this report excludes responses that were blank, marked "not applicable," or indiscernible.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

requirements, and select a strategy to strengthen its FMLA leave oversight. We also recommend that the company better communicate roles and responsibilities and provide training for employees overseeing FMLA leave. In commenting on a draft of this report, the Executive Vice President/Chief Legal and Human Resources Officer, agreed with our recommendations and described actions the company plans to take to address them. For management's complete response, see Appendix C.

BACKGROUND

FMLA provides qualified employees with up to 12 weeks per year of unpaid, job-protected leave for eligible medical conditions and family responsibilities.⁹ To qualify, the employee must meet the following requirements outlined in the law:

- have been employed by the company for at least 12 months
- have been employed for at least 1,250 hours in the preceding 12 months
- be employed at a worksite where 50 or more employees are employed by the company within 75 miles of the worksite

To use FMLA leave, employees must first apply and be approved. FMLA approval generally allows employees to take one of two types of leave:¹⁰

- **Continuous:** Employees can use this leave in uninterrupted blocks of time for specific events like surgery, or to care for or to bond with a newborn child or a newly placed adopted or foster child.
- **Intermittent:** Employees can use this leave sporadically for medical appointments and flare-ups of medical conditions, usually granted in hourly increments with a weekly or monthly cap. Intermittent FMLA leave is the focus of our report.

⁹ As of January 15, 2020, the company ended its practice of approving medical leaves of absence under state family medical leave laws because they are preempted by the federal Railroad Unemployment Insurance Act. Employees who need a medical leave of absence must meet the eligibility requirements under the federal FMLA, collective bargaining agreement (if applicable), Americans with Disabilities Act, or Amtrak policy.

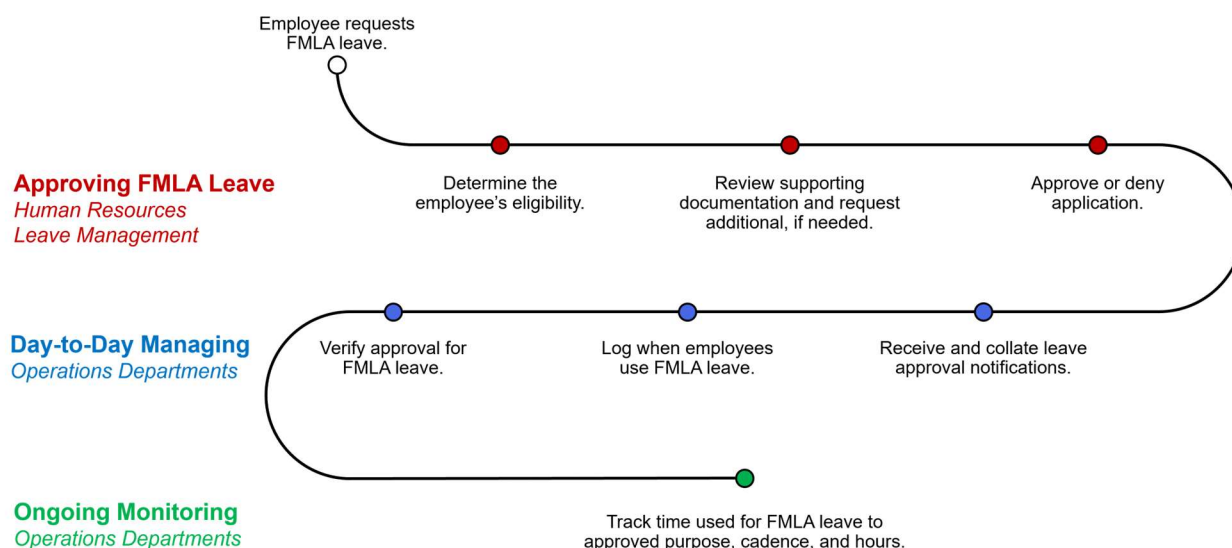
¹⁰ Employees may also use FMLA leave to reduce the number of hours in their regular schedule, but this is not a common practice.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Under the law, the company cannot interfere with or deny an employee's rights to request FMLA leave or use it once approved.

The company's Leave Management group in the Human Resources department and supervisors in the operating departments work together to oversee FMLA leave processes. The company's FMLA leave processes include the following three components: (1) approving employees' requests for FMLA leave, (2) managing day-to-day leave processes, and (3) monitoring employees' FMLA leave use, as Figure 1 shows.

Figure 1. Intermittent FMLA Leave Process Components



Source: OIG analysis of company process documents and interviews

Approving employees for FMLA leave. The Leave Management group administers leave approval. After verifying that an employee requesting FMLA leave meets the eligibility requirements, the Leave Management group sends the employee an application package. The employee or the employee's doctor submits the completed application—including a medical certification and any additional relevant documentation—to the Leave Management group, which either approves or denies the

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

application. The Leave Management group then sends a letter to the employee and their supervisor¹¹ notifying them of the approval status and outlining the following:

- the beginning and end of the leave period
- the approved cadence for taking leave—for example, leave for medical appointments up to four times per month and up to eight hours per appointment
- the responsibilities of the employee and the supervisor for tracking leave use

Managing day-to-day FMLA leave processes. Once the Leave Management group approves an employee’s FMLA leave request, the company tasks front-line supervisors, such as the supervisors we surveyed, with managing and overseeing day-to-day FMLA leave use. First-level supervisors—including Station Managers, General Foremen, Road Foremen, and Trainmasters—work together with Assistant Superintendents to manage FMLA leave in the Customer Service, Mechanical, and Transportation departments. In the Infrastructure Maintenance and Construction Services (IMCS) department, Senior Engineers and Assistant Division Engineers share this responsibility. In the Marketing department, call center managers and supervisors oversee the leave. When employees take time off using FMLA leave, which the company refers to as “marking-off,” supervisors or other groups in their departments are to record the mark-off and verify that the employee has valid FMLA leave approval. The supervisors or schedulers in the department are also responsible for finding coverage for employees who are using FMLA leave when necessary.

Monitoring FMLA leave use. Supervisors are also responsible for ensuring that their employees do not exceed their approved limits for FMLA leave use. The supervisors are required to track the time used for intermittent FMLA leave and reconcile that time to the purpose, cadence, and hours that the Leave Management group approved.

FMLA APPROVAL PROCESS IS GENERALLY EFFECTIVE

The company’s FMLA leave approval process facilitates compliance with legal standards and helps to ensure that eligible employees have access to the law’s protections. When employees submit requests for medical leaves of absence, the Leave Management group has a standardized process for reviewing data from the company’s personnel system and confirming that they meet the eligibility requirements outlined in

¹¹ The next-level supervisor is also copied on the letter.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**

OIG-A-2025-010, July 18, 2025

the law before sending them FMLA leave application materials or directing them to another leave program.¹² It also has a standardized process to request and review any supporting documentation necessary to either approve or deny the requests.

When we analyzed employee records and reviewed supporting documents for a sample of 100 randomly selected FMLA leave applications,¹³ we verified the following in our sample:

- All employees who applied for FMLA leave met the eligibility requirements.¹⁴
- All approved applications were supported by proper documentation.
- All denied applications had valid deficiencies.

By establishing and adhering to a standard approval process, the company helps ensure that it consistently provides eligible employees access to an important job protection.

During our review, the company also strengthened its process for confirming that employees who mark-off using FMLA leave have an active approval in place. Historically, when an employee marked-off using FMLA leave, the supervisors or dispatchers who receive and record the mark-offs were not always able to verify that the employees had an active approval, which resulted in some employees taking unauthorized FMLA leave. For example, we reviewed absence data for all 736 Conductors, Engineers, and Onboard Services workers who took FMLA leave in FY 2023 and found that 86 (12 percent) did so without an active approval.¹⁵ During our audit, the company added two steps to verify an employee's FMLA approval when

¹² Employees may also take medical leave under collective bargaining agreements, if they include that option, as well as the Americans with Disabilities Act.

¹³ To assess the company's controls over the approval process, we randomly selected 100 applications from FY 2023—50 that the company approved and 50 that it denied. Because the sample was non-generalizable, however, we did not project our results to the entire population of FMLA leave applications from which we selected our sample. For more information, see Appendix A.

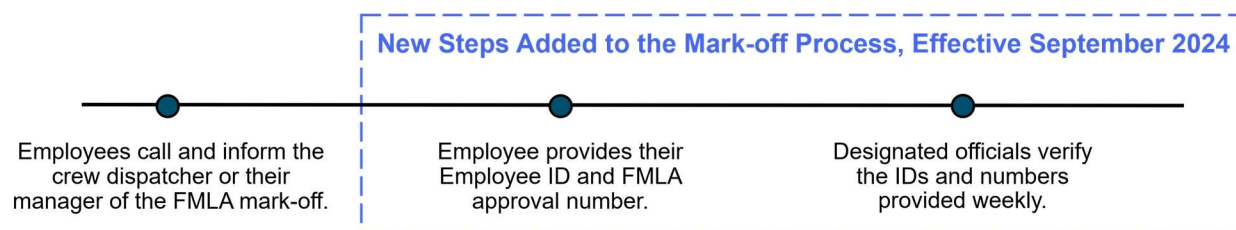
¹⁴ One employee whose request was ultimately rejected did not meet the minimum eligibility requirements. When we asked a Human Resources official about this individual, we learned that the application was mislabeled for FMLA in the company's Leave Management system, and the employee had actually requested a leave of absence under a different program. We did not evaluate whether the selected employees were medically eligible for FMLA.

¹⁵ We focused this analysis on these positions because we had access to mark-off data for all employees in these positions for the full year. Based on our work, the Leave Management group reviewed records for all 86 employees and confirmed that 7 employees had been approved for a different kind of medical leave, and the remaining 79 were not approved for any medical leave during that time.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

they mark-off: (1) requiring employees to provide an approval number and (2) having designated officials in each department verify the approval numbers weekly, as Figure 2 shows.

Figure 2. Updated FMLA Mark-off Process



Source: OIG analysis of Amtrak employee communications

Since the company instituted these new controls, Service Delivery and Operations officials told us they have noticed a reduction in employees in these same positions marking-off without approval. We reviewed company data for the four months before and four months after the company implemented the new process and saw a nearly 72 percent reduction in average monthly FMLA claims by employees who did not have active FMLA approvals or applications.¹⁶

THE COMPANY HAS OPPORTUNITIES TO SIGNIFICANTLY STRENGTHEN FMLA LEAVE MANAGEMENT AND MONITORING

The recent changes the company made to the mark-off process help prevent employees from taking FMLA leave without an active approval, but they do not prevent employees from using their leave beyond their approved schedules or limits.

Once employees complete the approval process, the primary responsibility for overseeing their use of FMLA leave shifts from the Human Resources department to operating department supervisors. According to the letters that the Human Resources

¹⁶ We selected this time period because when we were completing our analysis, the policy had been in effect for four full months. We excluded September 2024 because the policy was implemented in the middle of the month. We focused this analysis on Conductors, Engineers, and Onboard Services workers because a representative from the Service Delivery and Operations department validated FMLA mark-offs for employees in these positions with the Leave Management group weekly prior to the new process being implemented. Therefore, we were able to draw a comparison.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

department sends to supervisors when their employees are approved for FMLA leave, supervisors are responsible for the following three key tasks:

- monitoring absences for inconsistencies with their employees' approved leave schedules
- tracking their employees' use of FMLA leave to prevent them from exceeding the maximum amount of leave
- ensuring that their employees record absences using appropriate timekeeping codes

We found, however, that supervisors do not consistently carry out these responsibilities. Of the 117 supervisors we surveyed, 69 (59 percent) did not agree that they or someone in their department regularly checks to ensure that employees use FMLA leave only in accordance with their approved schedule. Supervisors also told us they do not regularly check to ensure that employees have not exceeded the maximum leave limit or coded leave properly. For example, we reviewed timekeeping data for the four Mechanical locations we visited¹⁷ and found that supervisors did not always do the following:

- **Monitor leave use to ensure that employees did not exceed leave limits.**
 Of the 282 Mechanical employees who took FMLA leave during FY 2023 across the four locations, 29 (10 percent) took more than the 12-week limit outlined in the law and company policy.
- **Ensure that employees recorded absences using the proper timekeeping codes.**
 Of these 282 employees, 66 (23 percent) used the wrong time code when recording their leave. Each of these employees coded their FMLA leave for personal use at least once during periods when they were approved to use FMLA leave only to care for a family member.

We identified the following two factors that contributed to these weaknesses: (1) the company has not ensured that supervisors clearly understand their oversight roles,

¹⁷ We visited Mechanical facilities in Beech Grove, Indiana; Chicago, Illinois; Miami, Florida; and Washington, D.C. Our scope included all employees who took FMLA leave during FY 2023 at these locations. We limited our review to the Mechanical department based on data availability. For more information about our analysis, see Appendix A.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**

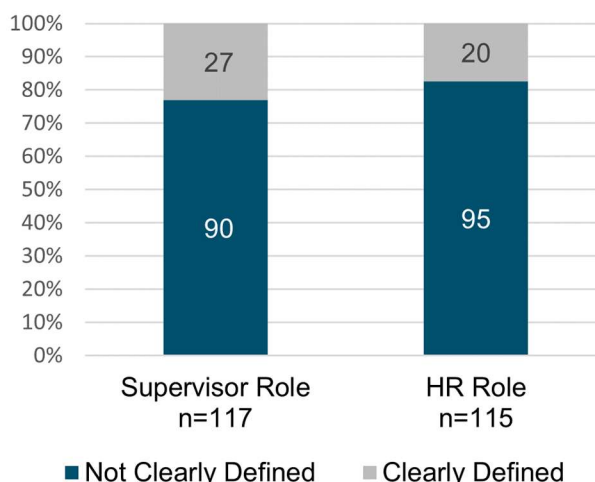
OIG-A-2025-010, July 18, 2025

and (2) the company has not equipped supervisors with the technology tools, processes, and data they need to effectively oversee FMLA leave use.

FMLA Oversight Roles and Responsibilities are Not Consistently Communicated or Reinforced

Supervisors we surveyed expressed confusion about the different roles that they and the Human Resources department play in FMLA oversight. For example, most supervisors who responded to our survey did not believe that monitoring roles for the two groups are clearly defined, as Figure 3 shows.

Figure 3. Supervisors' Understanding of Roles for Monitoring FMLA Leave



Source: OIG analysis of 117 surveys from front-line supervisors

Notes:

^a Our survey asked supervisors about the extent to which they agreed with statements that monitoring roles and responsibilities for supervisors and Human Resources (HR) were clearly defined. We grouped “Agree” and “Strongly Agree” responses under “Clearly Defined,” and we grouped “Disagree” and “Strongly Disagree” responses under “Not Clearly Defined.”

^b Populations varied by question. We received 117 responses to our question about supervisors’ monitoring roles and 115 responses to our question about the Human Resources department’s monitoring role.

Supervisors do not understand their oversight roles because the company has not consistently communicated these responsibilities or given them clear guidance on how to execute them. Supervisors we interviewed reported receiving inconsistent information on who is responsible for various roles in monitoring leave use. For example, multiple supervisor groups told us they received specific instructions not to

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**

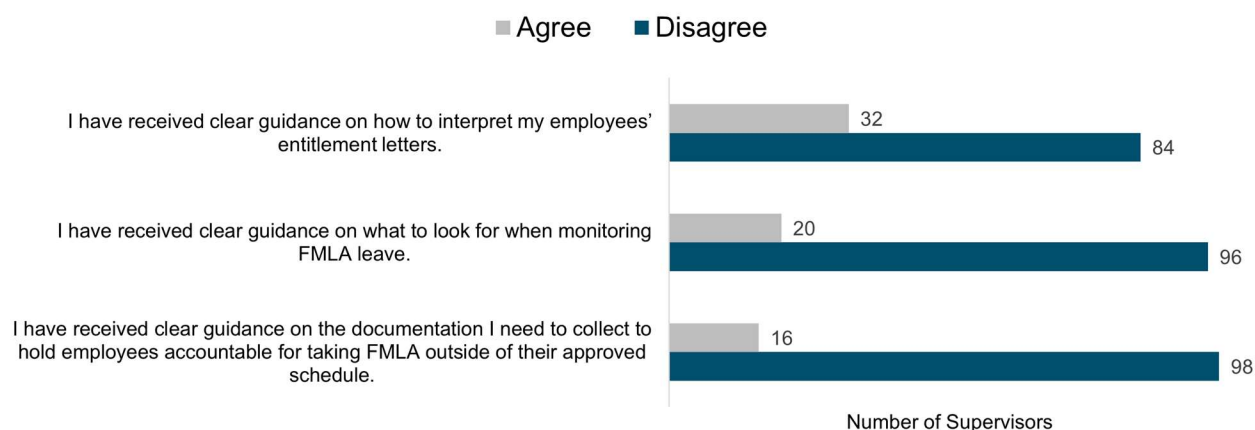
OIG-A-2025-010, July 18, 2025

track FMLA leave use—even though these instructions contradicted the duties outlined in employees’ FMLA approval letters.

Additionally, 93 of 112 supervisors (83 percent) did not agree that they have received sufficient training to effectively monitor FMLA leave use. Further, 38 of 96 supervisors we surveyed (40 percent) did not agree that they understood the appropriate timekeeping codes to use. Figure 4 outlines additional areas where supervisors responded that they lacked clear guidance for managing and monitoring FMLA leave.

**93 of 112 supervisors
(83 percent)**
 responded that training on
 how to monitor FMLA leave
 was not sufficient

Figure 4. Supervisors’ Survey Responses on Oversight Guidance



Source: OIG analysis of 117 surveys from front-line supervisors

Notes:

^a Our survey asked supervisors about the extent to which they agreed with the statements in the figure. We grouped “Agree” and “Strongly Agree” responses under “Agree,” and we grouped “Disagree” and “Strongly Disagree” responses under “Disagree.”

^b Numbers do not add to 117 because we excluded responses that were blank, marked “not applicable,” or indiscernible.

In September 2024, the company created a training module that touches on supervisor responsibilities to ensure that employees accurately record their FMLA leave hours and monitor those hours for compliance with their approved schedule, but it has not required supervisors to take it.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Consistently communicating responsibilities and providing training would help the company ensure that supervisors can fulfill their oversight responsibilities and better align the company with management control standards.¹⁸

Limited Tools and Data Hinder FMLA Leave Monitoring

Supervisors do not consistently manage and monitor FMLA leave because they do not have the technology tools and data necessary to do so. For example, Human Resources officials noted that timekeeping systems do not allow efficient monitoring of FMLA leave use. The supervisors we surveyed cited similar challenges: 96 of 115 (83 percent) disagreed that company systems and technology for monitoring FMLA leave were sufficient. Specifically, the company's current systems and processes do not allow supervisors to effectively do the following:

**96 of 115 supervisors
(83 percent)**
 responded that company
 systems and technology
 for monitoring FMLA leave
 were not sufficient







- **Identify when their employees have been approved for FMLA leave.** Supervisors across departments noted, and Human Resources department officials confirmed, that challenges exist in ensuring that approval notifications reach the proper supervisor. For example, one supervisor told us that a year and a half after taking over another person's territory, the old supervisor still gets their employee approval letters. Supervisors also noted that agreement employees frequently move positions or locations, but they know if a newly assigned employee has an FMLA approval only if the old supervisor remembers to forward the notification letter. Better tools for communicating approvals to supervisors may help the company improve the efficiency of this process.
- **Keep track of approved FMLA leave schedules.** Supervisors we interviewed cited challenges keeping up with the type and amount of FMLA leave their employees are approved to take, given the number of employees they oversee and the frequency with which the agreement workforce changes positions or work locations. For example, about half of the front-line supervisors responding to our survey reported overseeing an average of about 42 employees, and 2 were

¹⁸ Committee of Sponsoring Organizations of the Treadway Commission, *Internal Control-Integrated Framework*, May 2013; and Government Accountability Office, *Standards for Internal Control in the Federal Government* (GAO-14-704G), September 2014.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

overseeing 130 employees.¹⁹ Figure 5 demonstrates the mix of timeframes and allowances a supervisor would need to manually track if multiple employees were approved for FMLA leave.

**Figure 5. Example of the Various Leave Allowances
 a Supervisor May Have to Manually Track**

	 Employee 1	 Employee 2	 Employee 3	 Employee 4	 Employee 5	 Employee 6
Appointments	Once every 1 to 3 months for up to 1 day per appointment	Up to 2 times every 1 to 2 months for up to 3 days	Once every 2 to 3 months for up to 8 hours per visit	Up to 3 times per year for 1 day	No leave approved for appointments	Up to 3 times per month for 1 day per visit
Flare-ups	Up to 4 times per month up to 8 hours per episode	Up to 2 times every 1 to 2 months for up to 3 days per episode	10 to 15 days per month	Up to 3 times per month for 1 day per episode	Up to 2 times per month up to 12 hours per episode	No leave approved for flare-ups
Timeframe FMLA Is Approved	January 2023 to December 2023	March 2023 to February 2024	April 2023 to March 2024	June 2023 to May 2024	July 2023 to June 2024	September 2023 to August 2024

Source: OIG analysis of FMLA leave approval data, FMLA law, and company policy

- **Monitor leave use for compliance with approval and company policy.**
 The company's timekeeping systems do not include (1) flags for when employees use FMLA leave outside their approved schedule or allotted amount or (2) caps that prevent them from exceeding their allotted amount. As a result, efforts to monitor leave use are manual and time-consuming, often leading supervisors to avoid the responsibility altogether. In fact, most supervisors told us they do not regularly monitor employees' FMLA leave use. A group of 4 supervisors in the Transportation department who attempted to track their employees' leave use patterns told us that, together, they spend 40 hours per week doing so, given current tools.

More broadly, company systems do not provide the data necessary to assess how FMLA leave impacts staff availability and workforce needs. Managers in workforce planning and the Finance department confirmed that access to accurate leave use data would help them develop staffing plans. Moreover, the company acknowledged in its

¹⁹ We limited this analysis to 61 first-level supervisors in the Customer Service, Mechanical, and Transportation departments. We excluded Assistant Superintendents and Superintendents because they oversee multiple groups of employees. We excluded IMCS and Marketing department supervisors because they do not have the same hierarchy as the other departments.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

five-year service and asset line plans the importance of sufficient staffing, particularly given the advent of other newly expanded leave options.

LIMITED DATA HINDER THE COMPANY FROM MITIGATING SAFETY, OPERATIONAL, AND FINANCIAL RISKS

Without reliable FMLA leave use data, the company cannot make informed workforce planning decisions to mitigate the risks associated with last-minute absences. Supervisors we interviewed recognized that FMLA extends important job protections to employees who need it, but they told us the unpredictable nature of FMLA-related absences and the number of hours it grants employees can make it difficult to keep up with their primary job tasks. The absence of reliable data, however, limits the company's ability to quantify FMLA-related impacts and address risks, such as the following that we identified.

Safety risks. Of the 86 supervisors who responded to our question about safety risks, 31 (36 percent) answered that they observed such risks at least weekly because of FMLA leave use. For example, Mechanical department supervisors stated that heavy FMLA leave use often results in small crews that must rush through their assignments or that are overexposed to hot weather. Moreover, 36 of 104 supervisors (35 percent) observed supervisors filling in for the employees they manage at least weekly because employees took FMLA leave. We reviewed a year of Transportation department data in California and confirmed that its supervisors covered agreement employees' shifts twice a week, on average, when employees were taking FMLA leave. The supervisors highlighted this as a safety risk because it leaves employees unsupervised, and supervisors may be operating trains with minimal rest.²⁰

Operational risks. Of the 116 supervisors who responded to our question about FMLA leave impacting company operations, 93 (80 percent) answered that they observed this at least weekly. Further, across all the departments in our review, supervisors cited poor morale as one of the

**93 of 116 supervisors
(80 percent)**
 responded that they observed
 FMLA leave impacting company
 operations at least weekly

²⁰ Supervisors completing Conductor or Engineer duties are subject to Hours of Service rules by the Federal Railroad Administration, which impose hourly work limits and mandate rest periods. Supervisors' management duties, however, are not subject to such rules, and some supervisors reported working through the night to reconcile schedules and then covering for employees in the morning when they could not find back-ups.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**

OIG-A-2025-010, July 18, 2025

greatest impacts: 79 of 111 supervisors (71 percent) responded that they observed that FMLA leave caused low morale at least weekly among staff covering shifts. During our interviews, supervisors explained that they sometimes must force employees to work additional hours to accommodate other employees' FMLA leave. Additionally, two Transportation department supervisors noted that they had to reduce the number of allowable planned absences because of the number of employees regularly taking FMLA leave. The supervisors told us these actions, although necessary to continue operations, took a toll on their teams' morale.

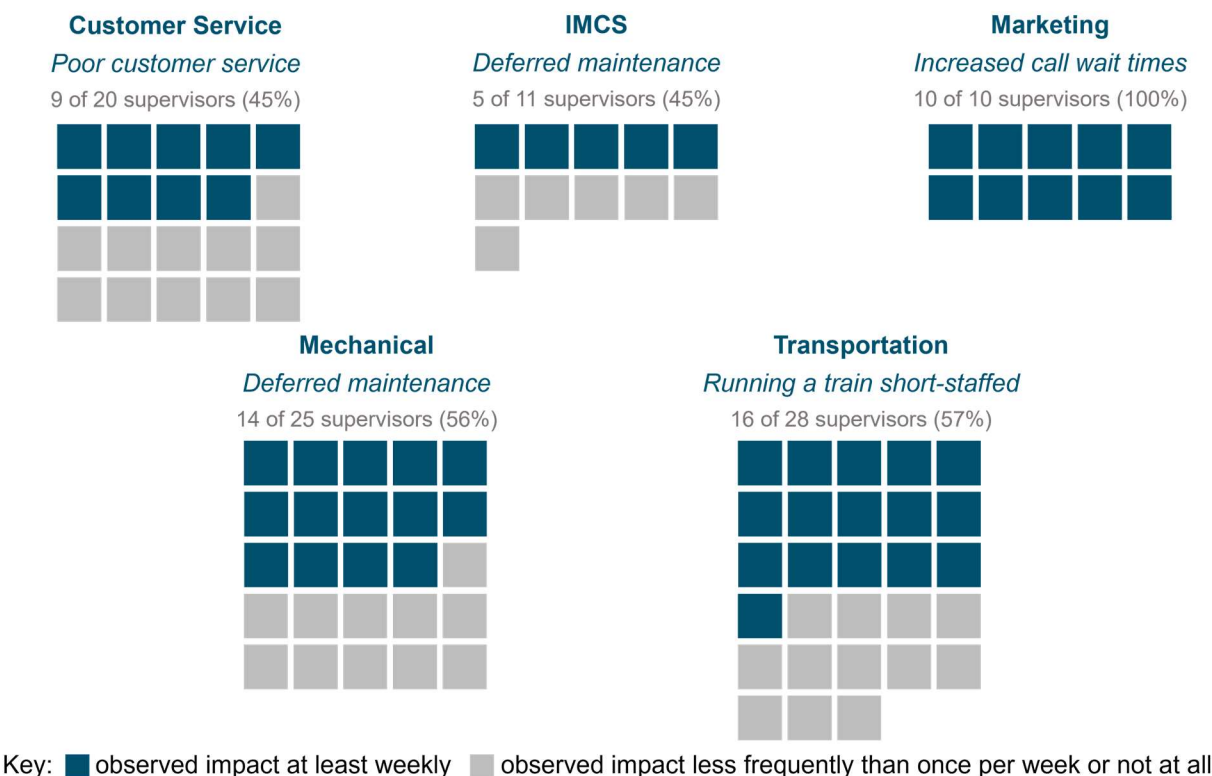
Supervisors also responded that employees taking FMLA leave affects them personally: 68 of 114 (60 percent) agreed that challenges related to managing FMLA leave significantly impact their morale. Across departments, supervisors described difficulty covering shifts and maintaining workloads amid frequent absences, sometimes requiring them to step in to complete work themselves and delay their administrative duties to off-hours.

**68 of 114 supervisors
 (60 percent)**
 responded that FMLA leave
 management challenges
 significantly impact their morale

Supervisors observed other operational impacts that varied by department, including poor customer service, deferred maintenance, increased call wait times, and running trains short-staffed. Figure 6 shows key impacts by department that supervisors responded that they observed at least weekly.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Figure 6. Supervisors' Weekly Observed Impacts of FMLA Leave by Department



Source: OIG analysis of 117 surveys from front-line supervisors

Although supervisors recognize the importance of FMLA leave for employees who need it, they provided additional information about how these impacts present challenges for them, the employees they supervise, and the customers they serve, including the following:

- **Increased call-wait times.** Supervisors in the call center told us frequent FMLA mark-offs leave them short-staffed, thus increasing the time customers are on hold and likely resulting in missed reservations.
- **Deferred maintenance.** Mechanical department supervisors told us FMLA leave absences make it difficult to complete maintenance on schedule. When a train car arrives at a maintenance facility, the supervisors determine when it must be released and the labor hours needed to complete the work in a timely way. Reductions in available labor due to employee absences can extend the time a car

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

is out of service and delay preventive maintenance, which can lead to costlier repairs later.

- **Running trains short-staffed.** Transportation department supervisors told us they sometimes run trains with only one conductor instead of two because of last-minute FMLA absences. Although this is not against safety rules, it can increase safety risks if only one person is responsible for hundreds of passengers in an emergency.

Financial risks. Supervisors frequently cited resorting to overtime to cover FMLA absences, and 76 of 110 supervisors (69 percent) responded to our survey that they observe FMLA leave resulting in overtime costs at least weekly. In addition, running trains short-staffed can result in financial impacts due to penalty claims, which the company must pay when it runs trains for other transit organizations and does not meet requirements for on-time performance or staffing. For example, the company must pay the state of Maryland whenever a Maryland Area Rail Commuter train runs understaffed and, conversely, earns incentive payments every month it fully staffs all trains.²¹ In FY 2024, the company reported operating trains without full crews for seven months, incurring more than \$112,000 in penalty payments; during these months the company also missed out on incentives.²² Transportation department supervisors told us that FMLA leave regularly contributes to staffing shortages but noted that they do not have the time or the tools to determine which penalty claims resulted specifically from FMLA leave use.

COMPANY FACES RISK THAT EMPLOYEES MAY NOT COMPLY WITH COMPANY POLICY AND APPROVED SCHEDULES

Our office's investigative work has identified examples of employees using FMLA leave that was not in accordance with their approvals. This included using it to engage in illegal conduct and attend to the legal ramifications of that conduct—including incarceration—or to engage in outside employment or self-employment without the company's knowledge and authorization. Without effective FMLA leave oversight,

²¹ The exact penalties and incentives vary by train and depend on the average ridership for that train, the maximum ticket price, and the percentage of staff missing.

²² The contract for this service follows Maryland's fiscal year—July 1, 2023, to June 30, 2024. The company earned nearly \$63,000 in incentives for the five months during which it fully staffed its trains.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

the company does not have reasonable assurance that employees are consistently using their leave appropriately.

Although we could not substantiate all claims of misuse, supervisors we interviewed cited challenges with employees appearing to use FMLA leave improperly.²³ For example, 54 of 114 supervisors (47 percent) responded that, at least weekly, an employee specifically cited an intent to take FMLA leave to avoid work. Supervisors cited additional examples of potential misuse, including employees using FMLA leave at least weekly for the following reasons:

**54 of 114 supervisors
(47 percent)**
 responded that, at least
 weekly, an employee
 specifically cited an intent
 to take FMLA leave to
 avoid work

- **To excuse tardiness** (66 of 114 respondents (58 percent)): Supervisors in multiple departments told us employees regularly apply for FMLA when they face disciplinary action for violating the company's attendance policy and attempt to apply FMLA retroactively to excuse the absences.
- **When assigned undesirable work** (64 of 115 respondents (56 percent)): One supervisor recalled that while working in an agreement position, peers would mark-off using FMLA leave and then mark-back when someone else covered their shift to get assigned to the next available—and often more desirable—position. Another supervisor shared a voicemail from a crew scheduler in which an employee marked-off using FMLA leave to avoid being assigned an undesired route.
- **Around days off or holidays** (65 of 116 respondents (56 percent)): Supervisors across departments and locations told us employees often use FMLA leave to extend time off, especially around weekends and holidays.

Improving controls over FMLA leave oversight would provide increased assurance to supervisors and leadership that the company preserves important protections for employees who need it while enhancing accountability measures over the program. The manual nature of the current tools leads many supervisors to review an employee's FMLA leave history only if they happen to notice that the employee has missed several shifts, which could put the company at risk that certain employees are, or feel, targeted.

²³ We referred to our Office of Investigations current examples of supervisors who believed that their employees were conducting outside employment while on FMLA leave.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

More automated tools for monitoring leave use would reduce opportunities for potential bias, and increased FMLA oversight would likely deter future misuse.

WEAKNESSES PERSIST BECAUSE THE COMPANY HAS NOT DEVELOPED AN OVERARCHING STRATEGY TO ADDRESS THEM

The weaknesses we identified have been longstanding; they continue because the company has not assessed its options for addressing them and has not chosen an overarching strategy for doing so.

For more than a decade, front-line supervisors, consultants, and our office have raised issues with FMLA leave oversight. In 2013, a consultant identified areas where the company could improve how it administers employee leave, including FMLA, and our office issued a report in 2020 detailing specific instances of FMLA abuse and pointing to weaknesses in the company's administration of FMLA leave that could have contributed to such abuse.²⁴ In response to these observations, the company hired another consultant in 2022 and convened a cross-departmental team to begin exploring potential solutions to FMLA leave challenges. Although the company has made some progress improving FMLA mark-off processes, it continues to experience weaknesses in FMLA oversight because it has not taken the following steps:

- **Defined the requirements for all groups involved in FMLA leave oversight.** The company has not assessed the resources that each group involved in overseeing FMLA leave would need for effective oversight, including staff, processes, technology, and data. Leading practices suggest,²⁵ and company leaders agree, that identifying each group's requirements is a necessary step before considering and selecting potential solutions for addressing them.
- **Assessed the costs and benefits of potential solutions to address such requirements.** Despite multiple efforts to assess the challenges related to FMLA leave management, the company has not conducted a cost-benefit analysis to determine whether other solutions to its current tools and processes would be worth the investment. Any improvements to FMLA leave management will likely come at a cost, and leading practices suggest that a cost-benefit analysis is an effective tool for assessing the value of implementing various solutions

²⁴ OIG-I-2021-504.

²⁵ Project Management Institute, *Project Management Body of Knowledge*, 7th edition, 2021.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

compared to maintaining the status quo.²⁶ One executive told us that past leadership was hesitant to explore solutions that required any spending, and other company officials cited challenges with data as a barrier to quantifying the impacts of FMLA leave on operations. Despite current data limitations, Human Resources officials believe that the company could move forward with efforts to assess the costs and benefits of leave management strategies by reviewing leading practices.

- **Chosen a strategy that would most effectively meet these requirements.**
 The company has conducted research to understand how other transit organizations approach FMLA leave management, but because it has not identified its own requirements and weighed the costs and benefits of any alternatives, it has neither selected nor implemented a strategy to improve FMLA leave oversight. This research, along with prior consultant work, uncovered a variety of approaches that the company could consider, including:
 (1) outsourcing all FMLA leave management activities to a third party,
 (2) developing an internal team or software that manages and monitors leave use, and (3) outsourcing some leave management activities while managing the rest in-house.²⁷ Moreover, company leadership told us that continuing to rely on supervisors to monitor FMLA leave use—given the current demands of that monitoring—prevents them from carrying out other important oversight duties to ensure a safe railroad.

Collecting stakeholder requirements, assessing the costs and benefits of fulfilling them, and developing a strategy that accommodates the company’s budget and resources could help align the company with leading practices for project management and increase the likelihood that it achieves significant improvements in FMLA oversight while protecting vital access for those who require it.²⁸ Without such actions, the longstanding weaknesses in FMLA leave oversight will likely continue.

CONCLUSIONS

The company recognizes the importance of ensuring that employees have access to necessary medical leave. Accordingly, its leave approval process facilitates compliance

²⁶ Project Management Institute, *Project Management Body of Knowledge*, 7th edition, 2021.

²⁷ We also interviewed representatives of two regional transit agencies and a Class I railroad and found that these organizations relied on third parties to support FMLA leave management.

²⁸ Project Management Institute, *Project Management Body of Knowledge*, 7th edition, 2021.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

with legal standards and helps ensure that eligible employees have access to the law's protections. The company has opportunities, however, to significantly strengthen its oversight of FMLA leave and reduce risks. Its initial improvements have demonstrated the impact that better controls can have on reducing improper FMLA leave use. Identifying requirements and weighing options for more effective leave management and monitoring would give the company a solid foundation to build an FMLA oversight strategy. Such a strategy would help ensure that employees are using their leave in accordance with their approved FMLA agreements, reduce the burden on company supervisors, and increase the likelihood that the company will implement a solution that provides sustainable long-term improvement. Further, consistently communicating roles and responsibilities and providing related training would provide clarity to those involved in monitoring FMLA leave so they can better carry out oversight duties.

RECOMMENDATIONS

To improve FMLA leave oversight, we recommend that the Executive Vice President/Chief Legal and Human Resources Officer, in coordination with other departments as appropriate, take the following actions:

1. Define the company's requirements for managing and monitoring FMLA leave use, including the tools and data it needs for effective oversight and workforce planning.
2. Assess the costs and benefits of potential solutions to address the company's requirements for managing and monitoring FMLA leave use. Options the company could consider include: (1) outsourcing all oversight activities, (2) developing an internal team or software to manage and monitor leave use, and (3) a combination of these strategies, or others as appropriate.
3. Based on the company's cost-benefit analysis, select a strategy that would most effectively meet company requirements and develop a plan to implement it.
4. Based on the strategy the company ultimately selects, reassess staff roles and communicate changes as necessary.
5. In the interim, develop a process to regularly communicate FMLA oversight expectations and train staff on their respective roles and responsibilities.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

MANAGEMENT COMMENTS AND OIG ANALYSIS

In commenting on a draft of this report, the Executive Vice President/Chief Legal and Human Resources Officer, agreed with our recommendations and described the actions the company plans to take to address them, which we summarize below.

- **Recommendation 1:** Management agreed with our recommendation to define the company's requirements for managing and monitoring FMLA leave use. Management stated that the company will document requirements for a centralized case management solution, including real-time data access and compliance monitoring. The target completion date is March 31, 2026.
- **Recommendation 2:** Management agreed with our recommendation to assess the costs and benefits of potential solutions to address the company's requirements for managing and monitoring FMLA leave use. Management stated that the company will issue a Request for Information to identify potential solutions and will review the responses to compare the costs, benefits, and feasibility of each approach. The target completion date is September 30, 2026.
- **Recommendation 3:** Management agreed with our recommendation to select a strategy based on the cost-benefit analysis that would most effectively meet company requirements and develop a plan to implement it. Management stated that the company will use a phased approach to select a strategy that meets operational and compliance needs. The target completion date is May 31, 2027.
- **Recommendation 4:** Management agreed with our recommendation to, based on the strategy the company ultimately selects, reassess staff roles and communicate changes as necessary. Management stated that, as part of the implementation planning for the selected strategy, the company will assess current roles and identify needed adjustments. The target completion date is September 30, 2028.
- **Recommendation 5:** Management agreed with our recommendation to, in the interim, develop a process to regularly communicate FMLA oversight expectations and train staff on their respective roles and responsibilities. Management stated that it plans to ensure consistent messaging about FMLA leave oversight responsibilities and provide mandatory training to supervisors. The target completion date is March 31, 2026.

For management's complete response, see Appendix C. Management also provided technical comments that we have incorporated into this report as appropriate.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

APPENDIX A

Objective, Scope, and Methodology

This report provides the results of our audit of the company's oversight of FMLA leave. Our objective was to assess the extent to which the company effectively manages FMLA leave. Our scope focused on intermittent FMLA leave in the company's agreement workforce, and included processes for leave approval, day-to-day leave management, and leave use monitoring. We performed our audit work from October 2023 through April 2025 in Beech Grove, Indiana; Boston, Massachusetts; Chicago, Illinois; Los Angeles, California; Miami, Florida; New York, New York; Philadelphia, Pennsylvania; Providence, Rhode Island; San Bernardino, California; Washington, D.C.; and Wilmington, Delaware.

To assess the company's process for approving employees' requests for FMLA leave, we interviewed officials in the Human Resources department's Leave Management group and reviewed process documents. To assess the company's controls over the approval process, we reviewed a random sample of 100 FMLA leave applications — 50 the company approved and 50 it denied.²⁹ We selected our sample from the applications of about 2,800 agreement employees who had approved or rejected FMLA leave requests for FY 2023. We used a random number generator to identify the case numbers that we included in the sample. We believe that this sample size is large enough to provide adequate insight into the company's controls over the FMLA approval process. Because the sample was non-generalizable, however, we did not project our results to the entire population of FMLA leave applications from which we selected our sample. For each application, we reviewed employee data and supporting documentation to determine compliance with eligibility requirements and ensure that employees were appropriately granted FMLA leave. We did not evaluate whether the selected employees were medically eligible for FMLA.

To assess the company's processes for managing and monitoring FMLA leave, we interviewed company officials and reviewed company policies and other documents. In addition, we visited 11 locations across the Customer Service, IMCS, Marketing,

²⁹ We also reviewed documentation for one application that was deemed ineligible. This was not part of the random sample because there was only one occurrence.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

Mechanical, and Transportation departments.³⁰ At the end of FY 2023, these departments employed 94 percent of the total agreement workforce. In FY 2023, approximately 2,800 of the company's agreement employees held active approvals for FMLA leave. Of these, about 1,250 (45 percent) were assigned to the locations we visited. Our methodology for determining which sites to visit, which supervisors to interview, and what information to obtain during the visits is detailed in the sections that follow.

Site selection methodology. We selected our site visit locations based on a combination of factors, including department size, geographic diversity, and the prevalence of intermittent FMLA leave approvals at each location. To ensure that our results reflected supervisor perspectives from across the country, we included locations in the Northeast, Southeast, Central, and West Coast regions. To avoid potential bias in our review, we included locations of varying sizes with both high and low concentrations of intermittent FMLA approvals. We used the following criteria:

- **Large locations with high intermittent FMLA concentration.** We selected departmental locations that had at least 20 employees approved for intermittent FMLA leave during FY 2023, and where these individuals made up at least 15 percent of that location's population.
- **Small locations with high intermittent FMLA concentration.** We selected departmental locations with 10 to 40 total employees, at least 30 percent of whom had an active intermittent FMLA approval during FY 2023.
- **Large locations with low intermittent FMLA concentration.** We selected departmental locations with at least 80 employees, less than 15 percent of whom had an active intermittent FMLA approval during FY 2023.

To ensure that resources were used efficiently, we selected locations where more than one department fit our criteria or where we could visit multiple sites in a single trip.

Survey tool and group interviews. We paired a survey tool with group interviews to do the following:

- assess how frequently supervisors observed impacts of FMLA leave use

³⁰ Some supervisors in Los Angeles and San Bernardino, California, also managed employees in Fullerton, Moorpark, Riverside, and San Diego. We included employees and supervisors from these locations in our site selection methodology.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

- identify the barriers to effectively managing and monitoring FMLA leave
- quantify perceptions of potential misuse

To develop our survey questions, we identified themes from early interviews and pretested the tool with supervisors across operating departments who were located outside of our study population. We administered the survey to supervisors during our site visits. Following the survey, we conducted group interviews so we could collect illustrative examples and identify any challenges or circumstances that were not reflected in our survey. Ultimately, we analyzed the survey results so we could quantify reported observations of operational impacts, including safety and financial risks and perceptions of misuse. We also quantified barriers confirmed by the survey respondents to managing and monitoring FMLA leave. For a summary of our survey questions and results, see Appendix B.

Interviewee selection methodology. To identify supervisors with the greatest insights into FMLA leave use and its impacts, we reviewed FMLA approval data and identified supervisors who oversaw agreement staff approved for FMLA in FY 2023 at each location. The data showed that during that period, 574 supervisors across our selected departments managed agreement employees approved for FMLA leave. To account for supervisor assignments not captured in these data, we also asked second-level supervisors, such as Assistant Superintendents and Assistant Division Engineers, to identify additional supervisors across our selected departments who might have insights about FMLA leave use. This resulted in an estimated total population of 600 supervisors, from which we interviewed 144 (24 percent).

We administered the survey to 117 of these supervisors. Some supervisors we interviewed did not take the survey because they were either unavailable during the interview when we administered the survey, or they had been in their supervisory role for less than a year at the time of the survey.³¹ For the number of supervisors we surveyed and interviewed by department and location, see Tables 1 and 2.

³¹ We visited Chicago, Illinois, and Miami, Florida, before we developed the survey tool. When we returned to these locations to administer the survey, some supervisors were not available.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Table 1. Number of Supervisors Surveyed and Interviewed by Department

Department	Survey	Interview
Customer Service	28	35
IMCS	11	14
Marketing	11	11
Mechanical	30	35
Transportation	37	49
Total	117	144

Source: OIG analysis of interviews and survey data

Table 2. Number of Supervisors Surveyed and Interviewed by Location

Location	Survey	Interview
Beech Grove	10	10
Boston/Providence	11	11
Chicago	14	27
Miami	7	12
New York	8	8
Philadelphia/Wilmington	22	22
Southern California	20	23
Washington, D.C.	25	31
Total	117	144

Source: OIG analysis of interviews and survey data

Note: We grouped supervisor counts for smaller locations with those of nearby locations to ensure that our list is not identifiable. We grouped the Southern California locations because supervisors there often perform duties across the region.

When possible, we analyzed data and reviewed documents to corroborate supervisors' observations and assess the effectiveness of company's controls for monitoring FMLA leave use as follows:

- We reviewed Hours of Service data from the Transportation department in California that recorded when supervisors covered for agreement employees and identified when these dates overlapped with employees taking FMLA leave in the department's mark-off data. We reviewed the most recent one-year period for which we had access to both sets of data (from March 2023 through February 2024) to corroborate supervisors' claims of how frequently they observed this impact.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

- We reviewed employee timesheet data to determine how many employees took time beyond the 12-week maximum allowed per approval year or incorrectly coded their time. Our review was limited to the Mechanical department due to data availability. Because FMLA leave approvals are not tied to a specific calendar or fiscal year, we analyzed data from FY 2022 through FY 2024 to review a full year of data for all employees in our population who took leave during FY 2023, which was the most recent full fiscal year we could review.
- We analyzed employee timesheet and mark-off data in the Mechanical, Transportation, and Customer Service departments to determine how many employees took FMLA leave time in FY 2023 without an active FMLA approval.
- We reviewed a report from the company's Finance department to identify the amount of penalty and incentive payments the company incurred running Maryland Area Rail Commuter trains during FY 2024.

To collect additional information on how other transit providers manage FMLA leave use, we interviewed representatives of two regional transit agencies and a Class I railroad. We used the insights we collected, as well as company research on other FMLA leave approaches, to provide illustrative examples of other FMLA leave oversight options the company can consider.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Internal Controls

We considered internal controls related to the company's management of FMLA leave. We reviewed the internal control components and underlying principles and determined that all five internal control areas were significant to our audit objective:

- **Control Environment:** Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

- **Risk Assessment:** Management should define objectives clearly to enable the identification of risks and define risk tolerances. Management should identify, analyze, and respond to risks related to achieving the defined objectives. Management should consider the potential for fraud when identifying, analyzing, and responding to risks.
- **Control Activities:** Management should design control activities to achieve objectives and respond to risks. Management should design the entity's information system and related control activities to achieve objectives and respond to risks. Management should implement control activities through policies.
- **Information and Communication:** Management should use quality information to achieve the entity's objectives. Management should internally communicate the necessary quality information to achieve the entity's objectives.
- **Monitoring:** Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results. Management should remediate identified internal control deficiencies on a timely basis.

We developed audit work to ensure that we assessed controls in each of these areas, including the following:

- interviewing company officials to understand the roles and processes for managing and monitoring FMLA leave
- reviewing policies and other documents to understand company controls regarding FMLA leave approval, management, and monitoring
- analyzing data we obtained from the company to assess employee FMLA leave use and its impacts
- surveying supervisors who managed agreement employees approved for FMLA leave to understand their monitoring practices and the training they receive
- evaluating information system controls as part of obtaining evidence about the reliability of data we used in our analyses, as we discuss in the next section

Our review was limited to the internal control components relevant to our audit objective, and we did not review the company's overall system of controls and procedures; therefore, we may not have identified all of the internal control deficiencies that existed at the time of this review.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

Computer-processed Data

To accomplish our objective, we relied on computer-processed data from the following sources:

- the Mechanical department's Work Management System showing when Mechanical employees took FMLA leave
- the Customer Service and Transportation departments' Labor Management System data showing when Onboard Services staff, Conductors, and Engineers took FMLA leave
- FMLA approval data pulled from the company's FileMaker Pro system, which documents FMLA approvals of company employees
- SAP data showing employee work history and reporting location
- Hours of Service data showing when supervisors operated trains for Conductors and Engineers in California

We assessed the reliability of data from these systems by interviewing the company officials responsible for the underlying data, checking the data for reasonableness, and comparing data for continuity across different reports. We took additional steps to assess the reliability of data from the Work Management System after we identified discrepancies in the same datasets downloaded on different dates. To resolve these discrepancies and ensure that the data differences were not attributable to data reliability or information system control deficiencies, we reviewed the differences and interviewed the data owners who provided a reasonable explanation for them. Based on our observations and tests, we determined that the data were sufficiently reliable for the purposes of our audit.

Prior Reports

In conducting our analysis, we reviewed the following Amtrak OIG report:

- *Management Information Report: Observations and Opportunities to Detect and Reduce FMLA Abuse and Improve Efficiencies in the Program* (OIG-I-2021-504), October 20, 2020.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

APPENDIX B

Supervisor Survey Questions and Responses

We used a survey tool to understand the frequency with which supervisors experience FMLA-related impacts to their operations and observe potential FMLA leave misuse. We also used the tool to identify barriers to effectively managing and monitoring FMLA leave. We collected these surveys from May 2024 through August 2024. The following five tables include the survey questions along with summaries of supervisor responses:³²

Table 3. Observed Frequency of Operational Impacts

In the past 12 months, how often have any of your employees taking intermittent FMLA leave for any reason impacted your operations? ^a						
Daily	Weekly	Monthly	Once or twice a quarter	Once or twice a year	Never	N/A, unclear, or no response ^b
41	52	14	6	1	2	1

Source: OIG analysis of 117 surveys of front-line supervisors

Notes:

^a If supervisors selected more than one frequency, we recorded the less frequent response.

^b If supervisors responded "N/A," provided an unclear response (such as selecting multiple answers), or did not provide a response at all, we captured their response in this column.

³² We also asked the supervisors to estimate the number of employees they supervise, the number of those who are approved for FMLA leave, and the number they believe to be misusing that leave. We did not include answers to these open-ended questions here.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

***Table 4. Observed Frequency of Specific
 Operational, Safety, and Financial Impacts***

In the past 12 months, how often have you observed the following impacts resulting from your employees' use of intermittent FMLA? ^a							
	Daily	Weekly	Monthly	Once or twice a quarter	Once or twice a year	Never	N/A, unclear, or no response ^b
Delayed train	7	17	9	9	8	26	41
Deferred maintenance	6	19	7	4	3	12	66
Poor customer service	16	15	16	7	6	14	43
Overtime costs	37	39	23	8	1	2	7
Penalty claims	7	13	7	6	4	21	59
Safety risks	14	17	14	9	7	25	31
Low morale among staff covering shifts	41	38	17	4	4	7	6
Manager covering craft duties	14	22	20	14	12	22	13
Running a train short staffed	9	13	9	7	1	11	67
Late inspections	5	13	12	3	5	14	65
Delayed response to trouble calls	8	14	11	11	4	12	57
Increased call wait times	10	15	5	1	2	9	75
Other ^c	5	5	2	-	-	4	101

Source: OIG analysis of 117 surveys of front-line supervisors

Notes:

^a If supervisors selected more than one frequency, we recorded the less frequent response.

^b If supervisors responded "N/A," provided an unclear response (such as selecting multiple answers), or did not provide a response at all, we captured their response in this column.

^c We included an opportunity for supervisors providing responses of "other" to explain additional impacts. We did not include these open-ended responses here.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Table 5. Barriers to Managing FMLA Leave

Managing FMLA – The following questions relate to administrative and operational tasks around FMLA (completing paperwork, coordinating schedules, finding replacement staff, etc.)					
To what extent do you agree with the following statements?					
	Strongly agree	Agree	Disagree	Strongly disagree	N/A, unclear, or no response^a
My role in managing FMLA is clearly defined.	4	33	56	24	-
HR's role in managing FMLA is clearly defined.	7	26	62	20	2
I have received <u>sufficient training</u> regarding my role in managing FMLA.	4	25	59	29	-
I can easily identify which of my employees are approved for FMLA.	14	44	39	19	1
When I am assigned a new employee, I know whether they have FMLA.	8	9	57	42	1
I have clear processes to follow for managing FMLA leave.	1	29	58	27	2
My employees have a standardized process for using FMLA.	5	45	43	21	3
I have sufficient systems and technology for managing FMLA leave.	1	21	62	32	1
Managing FMLA significantly impacts my ability to perform my primary job.	32	43	34	6	2
Challenges related to managing FMLA significantly impact my morale.	23	45	40	6	3
I (or my timekeeping team) understand the appropriate FMLA pay codes to use.	9	49	28	10	21

Source: OIG analysis of 117 surveys of front-line supervisors

Note: ^a If supervisors responded “N/A,” provided an unclear response (such as selecting multiple answers), or did not provide a response at all, we captured their response in this column.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Table 6. Barriers to Monitoring FMLA Leave

Monitoring FMLA – The following questions relate to monitoring FMLA for compliance and potential misuse (tracking how much time employees have used, raising concerns about potential misuse, building attendance cases, etc.)					
To what extent do you agree with the following statements?					
	Strongly agree	Agree	Disagree	Strongly disagree	N/A, unclear, or no response^a
<u>My role</u> in monitoring FMLA is clearly defined.	4	23	63	27	-
<u>HR's role</u> in monitoring FMLA is clearly defined.	3	17	71	24	2
I have received <u>sufficient training</u> regarding my role in monitoring FMLA.	2	17	58	35	5
HR Leave Management supports me when I raise concerns about potential FMLA misuse.	2	22	44	22	27
I have received clear guidance on the documentation I need to collect to hold employees accountable for taking FMLA outside of their approved schedule.	2	14	65	33	3
I have received clear guidance on what to look for when monitoring FMLA leave.	3	17	68	28	1
I have received clear guidance on how to interpret my employees' entitlement letters.	3	29	62	22	1
I have clear processes to follow for monitoring FMLA leave.	2	25	65	24	1
I have sufficient systems and technology for monitoring FMLA leave.	2	17	61	35	2
Monitoring FMLA significantly impacts my ability to perform my primary job functions.	16	44	47	8	2
Challenges related to monitoring FMLA significantly impact my morale.	16	46	43	10	2
I or someone in my department regularly check to ensure that an employee marking off for FMLA <u>has an active approval</u>.	7	62	34	14	-
I or someone in my department regularly check to ensure that an employee does not mark off for FMLA <u>outside of their approved schedule</u>.	2	46	52	17	-

Source: OIG analysis of 117 surveys of front-line supervisors

Note: ^a If supervisors responded "N/A," provided an unclear response (such as selecting multiple answers), or did not provide a response at all, we captured their response in this column.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

Table 7. Observed Frequency of Perceived Misuse

In the past 12 months, which of the following behaviors have you observed relating to your employees' FMLA use that you believe represent misuse?							
I believe my employees have misused intermittent FMLA... ^a							
	Daily	Weekly	Monthly	Once or twice a quarter	Once or twice a year	Never	N/A, unclear, or no response ^b
Around days off or holidays	32	33	28	14	4	5	1
After vacation or PTO was denied	24	29	28	16	6	10	4
When assigned undesirable work	26	38	23	9	7	12	2
During seasonal shifts	18	26	12	16	10	26	9
Specifically citing an intent to take FMLA to avoid work	24	30	21	13	6	20	3
To excuse tardiness	31	35	19	6	7	16	3
To force overtime	15	16	11	8	11	50	6
After a performance issue	13	16	21	16	8	35	8
After an attendance issue	21	27	31	17	7	12	2
Without approval	20	23	20	21	6	19	8
Other ^c	3	7	2	-	-	21	84

Source: OIG analysis of 117 surveys of front-line supervisors

Notes:

^a If supervisors selected more than one frequency, we recorded the less frequent response.

^b If supervisors responded "N/A," provided an unclear response (such as selecting multiple answers), or did not provide a response at all, we captured their response in this column.

^c We included an opportunity for supervisors providing responses of "other" to explain additional impacts. We did not include these open-ended responses here.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025


APPENDIX C

Management Comments

NATIONAL RAILROAD PASSENGER CORPORATION

Memo



Date: July 2, 2025	From: William Herrmann, EVP Chief Legal and Human Resources Officer (CLHRO) 
To: John Marzullo, Assistant Inspector General, Audits	Department(s): Human Resources
cc	Roger Harris, President Eliot Hamlish, EVP Marketing & CCO Laura Mason, EVP Capital Delivery Jennifer Mitchell, EVP Strategy & Planning Steven Predmore, EVP CSO Gerhard Williams, EVP Service & Delivery Ops Tracie Winbigler, EVP Business Transformation & CFO Christian Zacariassen, EVP Digital Technology

Subject: Management Response to *Human Capital*: Better Managing and Monitoring of Family Medical Leave Act Use Would Reduce Risks (Draft Audit Report for Project No. 003-2024).

This memorandum provides Amtrak's response to the draft audit report titled, "Better Managing and Monitoring of Family Medical Leave Act Use Would Reduce Risks". Management has reviewed the recommendations and appreciates the opportunity to provide a response.

To improve FMLA leave oversight, the OIG recommends that the Chief Legal and Human Resources Officer, in coordination with other departments as appropriate, take the following actions:

Recommendation #1:

Define the company's requirements for managing and monitoring FMLA leave use, including the tools and data, it needs for effective oversight and workforce planning.

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

NATIONAL RAILROAD PASSENGER CORPORATION

Management Response/Action Plan:

Management agrees with this recommendation. To ensure effective management and oversight of FMLA leave, the company will develop a requirements document for a centralized, integrated case management solution that supports the full lifecycle of FMLA leave. This effort will focus solely on identifying and documenting the necessary capabilities, such as end-to-end case management, real-time data access, system integration, compliance monitoring, automation, dashboards, and role-based access controls. These requirements will serve as key input for the upcoming Request for Information (RFI) process, which will be addressed in the next section.

Responsible Amtrak Official(s):

Tonia Mcmillan, VP HR Strategy
 Matt Porto, Sr Dir Workforce PIng Analytics
 Natalia Lossowski, Sr Dir DT HR Info System

Target Completion Date:

March 31, 2026

Recommendation #2:

Assess the costs and benefits of potential solutions to address the company's requirement for managing and monitoring FMLA leave use. Options the company could consider include: (1) outsourcing all oversight activities, (2) developing an internal team or software to manage and monitor leave use, and (3) a combination of these strategies, or others as appropriate.

Management Response/Action Plan:

Management agrees with this recommendation. For the company to accurately assess costs, benefits, and feasibility of potential solutions including outsourcing, internal development, or hybrid models, the company will create and issue a Request for Information (RFI). With these responses, the company can assess and compare costs and benefits of each potential approach. This initiative is not currently on the FY26 technology roadmap, so approval would be required to initiate the RFI as a prerequisite to any formal evaluation or funding request.

Responsible Amtrak Official(s):

Tonia Mcmillan, VP HR Strategy
 Matt Porto, Sr Dir Workforce PIng Analytics
 Natalia Lossowski, Sr Dir DT HR Info System

Target Completion Date:

September 30, 2026

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

NATIONAL RAILROAD PASSENGER CORPORATION

Recommendation #3:

Based on the company's cost-benefit analysis, select a strategy that would most effectively meet company requirements and develop a plan to implement it.

Management Response/Action Plan:

Management agrees with this recommendation. The company will utilize the results of the RFI to conduct a cost-benefit analysis and use a phased approach to responsibly select a strategy that meets operational and compliance needs.

Responsible Amtrak Official(s): Tonia Mcmillan, VP HR Strategy
 Eileen Cooke, Chief Learning Officer
 Matt Porto, Sr Dir Workforce Plng Analytics
 Natalia Lossowski, Sr Dir DT HR Info System

Target Completion Date: May 31, 2027

Recommendation #4:

Based on the strategy the company ultimately selects, reassess staff roles and communicate changes as necessary.

Management Response/Action Plan:

Management agrees with this recommendation. As part of the implementation planning tied to the selected strategy, the company will include a change management component to assess current roles and identify needed adjustments to support future-state FMLA oversight.

These activities will be planned and scaled in alignment with the chosen solution and implementation timeline to be determined by September 30, 2028.

Responsible Amtrak Official(s): Tonia Mcmillan, VP HR Strategy
 Eileen Cooke, Chief Learning Officer
 Matt Porto, Sr Dir Workforce Plng Analytics
 Natalia Lossowski, Sr Dir DT HR Info System

Target Completion Date: September 30, 2028

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
 Would Reduce Risks**
 OIG-A-2025-010, July 18, 2025

NATIONAL RAILROAD PASSENGER CORPORATION

Recommendation #5:

In the interim, develop a process to regularly communicate FMLA oversight expectations and train staff on their respective roles and responsibilities.

Management Response/Action Plan:

Management agrees with this recommendation and will develop the following:

Supplemental Action Plan

1. Mandatory Supervisor Training and Certification

We will make FMLA oversight training mandatory for all supervisors with FMLA responsibilities. This includes:

- A required e-learning module with embedded knowledge checks.
- Certification upon completion, tracked via our Learning Management System (LMS).
- Quarterly reporting of completion rates to HR leadership.

2. Structured Communication Protocols – Pilot SD&O

To ensure consistent messaging:

- A quarterly departmental “FMLA Oversight Bulletin” will be distributed to all relevant personnel.
- Oversight expectations will be embedded in operational updates and compliance alerts.
- A centralized intranet hub will house FMLA resources, FAQs, and escalation contacts. – (Companywide)

3. Field-Level Accountability and Feedback Loops – Pilot SD&O

To reinforce understanding and identify gaps:

- A quarterly pulse survey check-in during operations monthly performance meeting to assess frontline manager confidence in FMLA oversight.
- FMLA will be a standing topic in SD&O team meetings and performance check-ins.
- A feedback mechanism will allow managers to report process issues directly to the HR Leave Management team.

4. Internal Control Enhancements – Pilot SD&O Agreement

To improve monitoring and risk mitigation:

- Periodic audits of FMLA usage by region or department.
- Integration of FMLA metrics into compliance dashboards and scorecards.

5. Governance and Oversight – Pilot SD&O

To ensure sustained focus and accountability:

- Incorporate reporting on implementation progress to ELT through TA Leadership & HRERC updates.

Responsible Amtrak Official(s):

Matt Porto, Sr Dir Workforce Plng Analytics
 Eileen Cooke, Chief Learning Officer
 Patty Boggs, Dir HR Employee Resource Center

Target Completion Date:

March 31, 2026

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

APPENDIX D

Abbreviations

FMLA	Family Medical Leave Act
FY	fiscal year
HR	Human Resources
IMCS	Infrastructure Maintenance and Construction Services
OIG	Amtrak Office of Inspector General
the company	Amtrak

Amtrak Office of Inspector General
**Human Capital: Better Managing and Monitoring of Family Medical Leave Act Use
Would Reduce Risks**
OIG-A-2025-010, July 18, 2025

APPENDIX E

OIG Team Members

Anne Keenaghan, Deputy Assistant Inspector General, Audits

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Alejandra Rodriguez, Director, Data Analytics

Felix Kungu, Senior Auditor, Lead

Drew Woodall, Principal Data Engineer, Data Analytics

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Mission

The Amtrak OIG's mission is to provide independent, objective oversight of Amtrak's programs and operations through audits and investigations focused on recommending improvements to Amtrak's economy, efficiency, and effectiveness; preventing and detecting fraud, waste, and abuse; and providing Congress, Amtrak management, and Amtrak's Board of Directors with timely information about problems and deficiencies relating to Amtrak's programs and operations.

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Reporting Fraud, Waste, and Abuse

Report suspicious or illegal activities to the OIG Hotline

www.amtrakoig.gov/hotline

or

800-468-5469

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