



OIG: Amtrak can reduce risks by better managing, monitoring Family Medical Leave Act use

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WASHINGTON – Amtrak’s oversight of leave granted under the Family Medical Leave Act is not entirely effective because supervisors’ roles are not clearly defined, and company systems do not allow them to effectively track this leave, an Amtrak Office of Inspector General Report released today found.

According to the report, this has resulted in safety, operational, and financial risks. While the OIG found that Amtrak’s process for approving FMLA leave is generally effective, supervisors who manage the day-to-day FMLA leave do not consistently carry out these duties or sometimes do not track the leave at all. These duties include monitoring leave use to ensure employees do not exceed leave limits and ensuring employees record FMLA absences using the proper timekeeping codes.

FMLA leave provides protections to employees who need to miss work for their medical conditions or those of family members, and Amtrak is committed to ensuring that its employees maintain access to protections provided by the FMLA, the report said.

Prior oversight by the OIG [identified multiple cases of FMLA misuse by employees](#), to include employees using it while working other jobs and while in jail. This prior work identified weaknesses in Amtrak’s administration of FMLA leave that could have contributed to such abuse, the report noted.

During its more recent audit, supervisors told the OIG they do not understand their oversight roles because Amtrak has not consistently communicated these responsibilities to them or provided clear guidance on how to execute them. In fact, multiple supervisors told the OIG they were specifically instructed not to track FMLA leave use, even though this contradicted the duties outlined in FMLA approval letters.

Supervisors also have limited tools and data to effectively monitor FMLA leave, the OIG found. With the current systems, for example, supervisors cannot effectively identify if their employees have been approved for FMLA leave, and there are no flags to alert them when employees use more FMLA leave than allowed. As a result, efforts to monitor leave use are manual and time-consuming, the report said.

Without reliable data for FMLA leave, Amtrak cannot make informed workforce planning decisions to mitigate the risks of last-minute absences. These risks include safety risks, such as smaller crews rushing through assignments or supervisors covering employees’ shifts leaving employees unsupervised. Operational risks identified by supervisors included increased call wait times for customers, deferred maintenance on train cars, and reduced staffing on trains. In addition, the company incurs financial risks, to include use of overtime to cover FMLA absences, the OIG found.

The OIG also noted, and its prior work reflects, that Amtrak faces risks that employees may not consistently use their FMLA leave appropriately. For example, supervisors in multiple departments told the OIG that they have regularly observed employees applying for FMLA when they face disciplinary action or using it when they are assigned undesirable work.

During the OIG’s review, Amtrak instituted new controls to better ensure employees using FMLA leave are authorized to do so. The OIG reviewed data for the four months before and four months

after Amtrak implemented these new controls and noted a nearly 72 percent reduction in FMLA claims by employees who did not have active FMLA approvals or applications.

Despite the changes Amtrak made during the OIG's audit, weaknesses the OIG identified are longstanding—front-line supervisors, consultants, and the OIG have raised issues regarding Amtrak's FMLA leave oversight for more than a decade. These issues continue, the report said, because Amtrak has not chosen an overarching strategy for addressing them.

To address these weaknesses, the OIG recommended that Amtrak define its requirements for managing and monitoring FMLA leave, evaluate solutions to meet such requirements, and select a strategy to strengthen its FMLA leave oversight. It also recommended that Amtrak better communicate roles and responsibilities and provide training for employees overseeing FMLA leave.

Amtrak agreed with the recommendations and described actions and plans it will take to address them. More information is included in the full report which can be downloaded on the OIG's website: <https://direc.to/n2BB>.

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