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Family and Medical Leave at A Glance

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Family and Medical Leave at a Glance

Under the Family and Medical Leave Act of 1993, covered Federal employees are entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for (a) the birth of a son or daughter and care of the newborn; (b) the placement of a son or daughter with the employee for adoption or foster care; (c) the care of a spouse, son, daughter, or parent with a serious health condition; and (d) a serious health condition of the employee that makes the employee unable to perform the duties of his or her position.

Who can use FMLA?

To be eligible for FMLA leave under Title II, an employee must have worked as a civil servant for 12 months. As a result of the Supreme Court's decision, the United States Office of Personnel Management (OPM) will now be able to extend certain benefits to Federal employees and annuitants who have legally married a spouse of the same sex, regardless of the employee's or annuitant's state of residency. OPM is currently in the process of updating and revising the website to reflect this change, and will be updating this information as soon as possible. Please check back in the coming weeks for updates.

What Can the FMLA Do for Me?

Provides eligible employees, in any one-year period, with up to 12 weeks of unpaid leave for the birth, adoption, or foster care placement of a child or due to the serious health condition of the employee or the employee's spouse, child, or parent

Communication and Supervisor

If the need for leave is foreseeable, and the employee fails to give 30 calendar days' notice with no reasonable excuse for the delay of notification, the agency may delay the taking of leave until at least 30 calendar days after the date that the employee provides notice of the need for FMLA leave. If the need for leave is not foreseeable, such as a medical emergency or due to the unexpected availability of a child for adoption or foster care, and the employee cannot provide 30 calendar days- notice of the need for leave, the employee must provide notice within a reasonable period of time appropriate to the circumstances involved

Medical Certification

An employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.

An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee. A statement of unspecified illness, without accompanying medical documentation, is not sufficient notice. Medical certification will be considered sufficient under the FMLA if it states:

1. The date on which the serious health condition commenced.
2. The probable duration of the condition.
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition.
4. A statement that the employee is needed to care for the individual in question and an estimate of the amount of time the employee is needed to care for the individual if leave for family care is involved.

5. A statement that the employee is unable to perform the functions of the position if leave for self-care is involved.
 6. Dates for and the duration of medical treatment if the leave involves a reduced schedule or intermittent leave.
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Returning to Work

Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."

An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work. Employees who take FMLA leave are treated as if they had not left the workplace as far as benefits are concerned. Employees do not accrue additional benefits during such absence, however. Employers are required to maintain health insurance coverage for an insured employee on FMLA leave. Nothing in the FMLA will diminish the obligation to comply with any collective bargaining agreement or employment benefit program that provides greater family or medical leave rights to employees.

Resources

<http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>

5 CFR part 630

<http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

ADS 481 <http://www.usaid.gov/ads/policy/400/481>
