

The Family and Medical

Know Your Rights!



The Family and Medical Leave Act of 1993 (FMLA) became effective August 5, 1993, and provides up to 12 weeks of unpaid job-protected leave each year for specified family or medical reasons. The law requires the maintenance of existing health benefits during leave and job restoration when the leave period ends.

The FMLA requires that federal agencies must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons: (a) the birth of a son or daughter and care of the newborn; (b) the placement of a child with the employee for adoption or foster care; (c) the care of the employee's spouse, son, daughter, or parent with a serious health condition; or (d) a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

Who is Covered by FMLA?

Federal employees who have completed 12 months of service and either are covered by OPM leave regulations, or are Title 38 VA employees, or are nonappropriated fund employees.



Is Medical Certification Required?

An agency may require medical certification for a request for leave to care for a spouse, child, parent, or employee's own serious health condition.

What About Intermittent and Reduced Leave?

Available upon request for birth or adoption; available upon demand when medically necessary to care for serious health condition of self, child, spouse or parent.

Are Part-time and Temporary Employees Covered?

Part-time or temporary federal employees are covered by the FMLA under regulations issued by the Department of Labor if they have worked at least 1,250 hours in the preceding 12 months.



Do I Need To Give Advance Notice?

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." FMLA rights are entitlements, like annual leave, that only the employee can invoke.

Additional Rights

FMLA unpaid leave is in addition to annual, sick, and leave bank (or leave transfer) rights to leave. An employee may, where appropriate, substitute such alternative leave for family leave, but not retroactively.

Federal employees may also use their paid sick leave to attend to the medical or funeral needs of their family. Under the separate **Federal Employees Family Friendly Leave Act**, employees may use a minimum of five and a maximum of 13 sick leave days each year for "family friendly" concerns.

Key Definitions:

- *The FMLA defines a “serious health condition” as an illness, injury, impairment, or physical or mental condition that involves either inpatient care (an overnight stay), or continuing treatment by a health care provider and incapacity requiring absence from work of more than three days.*
- *The “12-month period” of FMLA entitlement begins on the date the employee first takes FMLA leave, except for birth or adoption leave which begins on the date of the birth or adoption.*
- *The definitions for “family” and “medical conditions” under the FMLA are substantially more restrictive than under the Federal Employees Family Friendly Leave Act.*
- *For more information on the FMLA, see OPM’S REGULATIONS AT 5 CFR Part 630, or contact AFGE’s Women’s Department. For more information on Federal Employees Family Friendly Leave Act, ask for a copy of AFGE’s Guide to FEFFLA.*



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Your Rights Under the Family and Medical

