

U.S. OFFICE OF PERSONNEL MANAGEMENT

PAY & LEAVE LEAVE ADMINISTRATION

Fact Sheet: Family and Medical Leave

Entitlement

On June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. 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.

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of such son or daughter;
- the placement of a son or daughter with the employee for adoption or foster care;
- the care of spouse, son, daughter, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.
- any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See [Sick Leave to Care for a Family Member with a Serious Health Condition](#).) FMLA leave is in addition to other paid time off available to an employee.

Job Benefits and Protection

- 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.

Advance Notice and 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.

References

- Public Law 103-3. February 5, 1999
- 5 U.S.C. 6381-6387;
- 5 CFR part 630, subpart L

Related Information

- [5/8/00 FMLA Changes](#)
- [Full FMLA Regulations](#)
- [12/5/96 Regulations - Federal Register publication](#)
- [FMLA Medical Certification Form for Employee's Serious Health Condition - WH-380-E](#)
- [FMLA Medical Certification Form for Family Member's Serious Health Condition - WH-380-F](#)
- [FMLA Certification for Qualifying Exigency - WH-384](#)
- [Expanded Family and Medical Leave Policies](#)
- [Questions and Answers on Expanded Family and Medical Leave Policies](#)