

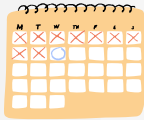


MEDICAL LEAVE UNDER THE FMLA

The Congressional Accountability Act of 1995 applies the Family and Medical Leave Act (FMLA) to House Employees. As a result, a House employee is entitled to leave for the serious health conditions of the employee and qualifying family members; having a child through birth, foster care or adoption; or to care for a wounded service member.

The FMLA provides eligible employees with 12 weeks of unpaid, job-protected leave for qualifying family and medical reasons.

ELIGIBLE EMPLOYEES



Employees are eligible for FMLA leave if:

- The employee was employed by Congress the prior 12 months,
- AND the employee worked 1,250 hours in the prior 12 months.

Employees who are not eligible for FMLA leave, may still qualify for job-protected leave by using sick leave or leave without pay under the Americans with Disabilities Act (ADA).

JOB PROTECTIONS



The FMLA provides job protections to employees who exercise their rights. This means an employer:

- CANNOT discourage or interfere with an employee's FMLA leave, including asking employees to perform substantive work.
- MUST restore the employee to the same or similar position when they return from FMLA leave.
- MUST maintain the employee's benefits of employment (e.g., seniority, pay level, health insurance).

USE OF LEAVE



FMLA leave may be used continuously, intermittently, or a combination of the two, depending upon the condition for which an employee is taking the leave, and upon agreement of the employer.

FMLA leave must be used within an FMLA Year. The method of calculating the year is usually stated in the FMLA policy in the Employer's Employee Handbook. The most common method is called a "rolling" calculation, which starts the FMLA year according to the first day the employee uses FMLA leave.

NOTIFICATION TO EMPLOYER



There are no magic words to request FMLA leave. Employees must provide a minimum of 30 days' notice to the employer of the need for FMLA leave, if possible. The employee must provide enough information to notify the employer of the reason the employee needs the leave.

QUALIFYING REASONS FOR FMLA



Employees are permitted to take FMLA leave for specific family and medical reasons, including:

- the employee's serious health condition (mental or physical),
- the employee's family member's (spouse, parent, child) serious health condition,
- having a child through birth, foster care placement or adoption*,
- or caring for a wounded service member**.

*Employees who request leave for having a child through birth, placement, or adoption are eligible to substitute paid leave under the Federal Employee Paid Leave Act (FEPLA). Employees are eligible for this leave immediately upon hire.

**When caring for a wounded service member, employees may be eligible for up to 26 weeks of leave.

MEDICAL DOCUMENTATION



An employer may request information to show that an employee cannot work (e.g., approximate duration of the condition and treatment, frequency and duration of leave, and potential symptoms that render the employee unable to perform their role).*

*For FEPLA Leave, an employer cannot require a medical certification.

PAY STATUS



FMLA leave is unpaid EXCEPT when an employer offers paid leave, an employee elects to use their accrued leave concurrently with FMLA leave, or when the employee is receiving paid parental leave under the Federal Employee Paid Leave Act (FEPLA).

**Have questions or concerns?
Contact the Office of Employee Advocacy.
We are here to help.
Phone: 202-225-8800
Email:
Employee.Advocacy@mail.house.gov.**