



PREGNANCY-RELATED LEAVE

The Congressional Accountability Act of 1995 applies the Federal Employee Paid Leave Act (FEPLA) to House employees.

FEDERAL EMPLOYEE PAID LEAVE ACT (FEPLA)

Under FEPLA, employees can substitute 12 weeks of job-protected, paid parental leave for regular leave under the Family and Medical Leave Act (FMLA) for the purpose of bonding with a newly born, placed, or adopted child.

There are **three key differences** between leave under the FMLA and leave under FEPLA:

- 1) **Eligibility** - There are no eligibility requirement for FEPLA leave. Employees are eligible as soon as they begin their House employment.
- 2) **Pay Status** - All 12 weeks of leave are PAID, and employees retain same the job protections as under the FMLA.
- 3) **Leave Period** - Employees may take the leave for only the first year after birth or placement.

MEDICAL SUPPORT FOR PREGNANCY-RELATED LEAVE

An employer CANNOT require a medical certification for FEPLA leave.

An employer may, but is not required to, request reasonable documentation of the family relationship. However, the employee can choose what to provide - a simple statement that the requisite family relationship exists, or other documents (e.g., birth certificate, court document).

When necessary, an employer may request documentation of the child's date of birth or placement to determine leave eligibility or the need for absences prior to placement.



LEAVE AS AN ACCOMMODATION

Prior to giving birth and for employees who have exhausted their FEPLA leave after birth or a placement, employees may be eligible for leave as a reasonable accommodation under the Americans with Disabilities Act (ADA) and/or the Pregnant Workers Fairness Act (PWFA).



JOB PROTECTIONS

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

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

PREGNANCY DISCRIMINATION

Under Title VII of the Civil Rights Act and the Pregnancy Discrimination Act, employers are prohibited from discriminating on the basis of sex because of pregnancy, childbirth, or related medical conditions.



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.