**ARTICLE 11** - **FAMILY LEAVE**

**Section 1 - Family and Medical Leave Act**

1. Consistent with the Family and Medical Leave Act (FMLA), all employees who have completed twelve (12) months of service (not required to be twelve (12) recent or consecutive months) with a federal agency are entitled to a total of up to twelve (12) workweeks of unpaid family and medical leave during any twelve (12) month period for the following:
2. The birth of a child of the employee and the care of such child;
3. The placement of a child with the employee for adoption or foster care;
4. The care of spouse, child, or parent of the employee who has a serious health condition;
5. A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position; or
6. Any other reason recognized by applicable law or regulation.
7. In order to receive leave under FMLA, an employee must apply by submitting the form attached as Appendix 11-1. The form must be submitted to the employee's first line supervisor generally not less than thirty (30) days before leave is to begin. If the need for leave is not foreseeable, and the employee cannot provide (thirty) 30 calendar days notice of his or her need for leave, the employee shall provide notice within a reasonable period of time appropriate to the circumstances involved.
8. An employee may substitute paid annual or sick leave (where appropriate under law and regulations) for any unpaid leave under the FMLA. See Appendix 10-1 for more information. Employees cannot substitute compensatory time or credit hours for approved FMLA leave. However, with managerial approval, employees may use earned compensatory time or credit hours prior or subsequent to FMLA leave.

**Section 2 – Paid Parental Leave**

1. Pursuant to 5 U.S.C § 6382(d)(2), paid parental leave (PPL) is a substitute for unpaid leave under the FMLA for the birth, adoption, or foster care placement of a child. In accordance with 5 C.F.R. Part 630 Subparts L and Q. an eligible employee may substitute up to twelve (12) weeks (480 hours) of PPL for unpaid FMLA leave.
2. To qualify for PPL, an employee must:
3. Have been employed by the federal government for at least twelve (12) months prior to using paid parental leave (this does not require twelve (12) recent or consecutive months of federal employment);
4. Be engaged in activities directly connected to the care of the child (continuing parental role in connection with the child); and
5. Be located inside the local geographic area where the child is located
6. PPL may be used continuously during the 12-month period immediately following the birth or placement of the child. PPL may be used intermittently only when the Office and employee mutually agree on a plan/schedule in advance of any use of PPL.
7. In order to receive PPL, an employee must apply by submitting OPM Standard Forms “Paid Parental Leave Request”, and “Agreement to Complete 12-week Work Obligation.”
8. This Article will be implemented according to the current law and Government-wide regulations including those outlined in 5 CFR §630.1201 *et seq.,* including any amendments thereto.

**Section 3 - Spouse**

1. For the purpose of this Article, “spouse” means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State where the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:
2. Was entered into in a State that recognizes such marriages, or
3. If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

**Section 4 - Parental Leave**

1. In addition to entitlement to leave under the FMLA (which encompasses PPL), there will be no specified amount of time granted for parental leave for the birth or placement and care of an employee's child. The length of time for such leave will be determined by the employee, the employee's supervisor, and the relevant health care provider. However, the Office will not ordinarily require an employee to return to duty earlier than six (6) months after the birth or placement of a child absent the need for the specific skills or knowledge of a particular employee.
2. The employee may choose how and in what order an absence for parental leave will be recorded - sick leave (where appropriate under law and regulations), annual leave, leave without pay, compensatory time, or credit hours.
3. The employee is responsible for notifying the supervisor of his or her intent to request leave for parental reasons, including the type of leave, approximate dates, and anticipated duration.
4. In anticipation of the employee's return to work, the employee may request part-time employment. See Article 7 (Part-Time Employment).
5. If a pregnant employee requests modification of duties or a temporary assignment, and presents acceptable medical evidence to the Office of the necessity thereof, the Office will make a reasonable effort to accommodate her request.

**Section 5 – Parental Bereavement Leave**

1. Pursuant to 5 U.S.C. § 6329d and subject to Subsections 3B below, an employee is generally entitled to a total of 2 administrative workweeks of paid parental bereavement leave during any 12-month period because of the death of a child of the employee.
2. Paid parental bereavement leave may not be taken by an employee intermittently or on a reduced leave schedule, unless the Office agrees.