

**OFFICE OF THE STAFF JUDGE ADVOCATE
48TH FIGHTER WING, RAF LAKENHEATH, UK**



FAMILY AND MEDICAL LEAVE ACT

Entitlement

The Family and Medical Leave Act of 1993 (FMLA), requires as a matter of federal law that employers provide leaves of absence for childbirth or the care of children or other family members. The FMLA does not apply to military members, employees of the government of the District of Columbia or temporary and intermittent employees. The FMLA provides covered Federal employees with entitlement 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 or daughter, or parent of the employee who has a serious health condition; or
- serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.

Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as family and medical leave. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and regulations, for any unpaid leave under the FMLA. 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 may pay the employee's share of the premiums on a current basis or upon return to work.

Advance Notice and Medical Certification

The 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 as soon as is practicable. An employee may not invoke his or her entitlement to FMLA leave retroactively. If an employee and his personal representative are incapable of invoking the employee's entitlement to FMLA leave during the entire period of absence, the employee may retroactively invoke entitlement to FMLA within 2 days after returning to work.

An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son or daughter, or parent who has a serious health condition or for the serious health condition of the employee. An employee must provide medical documentation within 15 calendar days. If this is not possible, despite the employee's diligent, good faith efforts, medical certification must be provided within a reasonable period, but no later than 30 calendar days after the date the agency requests such medical certification.