



# The Family Medical Leave Act of 1993

**Purpose:**

To provide employees with an opportunity to better balance their work and family life.

**Eligibility:**

Employees who have completed 12 months of federal service and are assigned to a position expected to last over one year.

**Entitlement:**

An employee is entitled to 12 administrative workweeks of unpaid leave in a 12 month period for the following family and medical needs:

- 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 a spouse, son, daughter, or parent of an employee, if that family member has a serious health condition.
- A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position.

**Substitution of Paid Time Off:**

An employee may elect to substitute paid time off for any or all of the 12 weeks of leave without pay entitlement. They may use sick leave, annual leave, or donated leave; they may also use compensatory time or credit hours accrued. The employee must meet all other regulatory leave requirements for the approved leave. Paid sick leave taken to care for a sick relative must not exceed the limit of 40 or 64 hours per year in accordance with the Family Friendly Leave Act.

**Notification:**

The employee should provide a SF-71 indicating the dates and hours of family medical leave required. The employee will provide advanced notification of at least 30 days. The notification should specify the dates of the leave period, and if the employee elects to take sick leave, annual leave or leave without pay. A SF-52 is required if leave without pay exceeds 30 consecutive days. The employee does not have to take the leave in consecutive days, except for the birth of a child.

**Medical Certification:**

Medical certification is required, (Optional Form WH-380) which states the diagnosis, date the condition began, prognosis and an estimate of the expected date of full or partial recovery. The certification must also include a statement that the employee is unable to perform the essential functions of the position. The certification required for a family member needs to state the benefits to the patient from the employee's care, the time estimate for the care, and what care the employee will provide.

**Approval:**

Family medical leave is an employee entitlement and cannot be denied. However, if the medical leave exceeds 12 weeks, the employee may be removed from his or her position if the absence has not been approved by the supervisor.

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