

From: GSFC-HRMES@mail.nasa.gov
Sent: Thursday, November 10, 2016 10:05 AM
To: (Recipients suppressed)
Subject: Family Medical Leave Act vs. Family Friendly Sick Leave and Medical Documentation Requirements

To All GSFC Civil Servants,

The Office of Human Capital Management (OHCM) is issuing the following guidance on the use of the Family Medical Leave Act (FMLA) and the Family Friendly Sick Leave (FFSL) to educate employees on the differences between FMLA and FFSL. In addition, this guidance is to ensure the proper use of the sick leave codes in WebTADS and to inform employees of other available sick leave options to care for oneself or for a family member.

Family Medical Leave Act

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up 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, daughter, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.
- any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and the Office of Personnel Management's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See Sick Leave to Care for a Family Member with a Serious Health Condition.) 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 on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

Advance Notice and Medical Certification

- An 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, in emergencies, as soon as is practicable. Additionally, FMLA cannot be invoked retroactively, so employees cannot charge to FMLA for prior pay periods once they obtain approval.

- An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

GSFC's Process for Invoking FMLA

An employee or their family member's treating physician would need to complete the applicable WH-380 forms (i.e., WH-380E for employee or WH-380F for a family member) and they must provide a copy to the Medical Director on Center when they plan to invoke FMLA leave. The completed WH-380 form may be faxed to the Health Unit's secure fax at (301) 614-6942. The Medical Director will inform the supervisor if the medical documentation (WH-380) is sufficient and the Medical Director will retain a copy of the medical documentation in the Health Unit during the employee's FMLA leave.

Family Friendly Sick Leave Entitlement

An employee is entitled to use Family Friendly Sick Leave (FFSL) for non-medical emergencies to:

- provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- attend to a family member receiving medical, dental, or optical examination or treatment;
- provide care for a family member who would, as determined by the health authorities having jurisdiction or a health care provider, jeopardize the health of others by that family member's presence in the community because of exposure to a communicable disease; or
- make arrangements necessitated by the death of a family member or attend the funeral of a family member.

Sick Leave Usage Limits Per Leave Year

An employee is entitled to use up to 104 hours (13 days) of FFSL each leave year for the purposes outlined above.

Supporting Evidence for the Use of Sick Leave

Supervisor may request medical documentation for absences in excess of 3 consecutive days for non-bargaining and AFGE bargaining unit employees and 5 consecutive days for GESTA bargaining unit employees. An employee must provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the agency requests such medical certification. If it is not practical under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the agency despite an employee's diligent, good faith efforts, an employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave.

For more information, please visit the [NASA Human Resources Portal Leave](https://hr.nasa.gov/leave) page, which can be found at: <https://hr.nasa.gov/leave>.

If you have any questions, please contact Tanya Terry, Absence and Leave Program Manager, at tanya.j.terry@nasa.gov or (301) 286-9342.

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