



U.S. Office of Personnel Management

Family and Medical Leave

QUESTIONS AND ANSWERS ON THE PRESIDENT'S MEMORANDUM ON EXPANDED FAMILY AND MEDICAL LEAVE POLICIES

Q1. Why is the President issuing this memorandum?

A1. [The President is asking Federal agencies to assist employees further in meeting their work and family demands.](#) While the President is asking Congress to enact his legislative proposal to expand the [Family and Medical Leave Act of 1993](#), he is also asking agencies to use their currently available administrative authorities to ensure that employees may schedule and be granted up to 24 hours of leave without pay for three purposes:

- (1) to participate in school activities directly related to the educational advancement of a child;
- (2) to accompany their children to routine medical or dental appointments, such as annual checkups and vaccinations; and
- (3) to accompany their elderly relatives to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, telephones, banking services, and other similar activities.

In addition, the President asks agencies to support employees' requests to schedule paid time off, such as annual leave, sick leave, compensatory time off, and credit hours under flexible work schedules for these family activities when these options are available to the employee.

Q2. Does the [President's memorandum](#) change existing policies for granting time off to Federal employees?

A2. Supervisors have discretion to grant employees time off for the purposes mentioned in the President's memorandum. The new memorandum is important because it makes clear that the President wants agencies to grant employees up to 24 hours of unpaid leave to help employees meet their family demands. The memorandum will remind agencies--and their front line supervisors--to establish and maintain a family friendly work environment, and it adds to the momentum already in place.

Q3. Will the President's April 12 memorandum make a real difference?

A3. The President's memorandum sends a strong signal to agencies and supervisors to support and encourage family friendly leave policies. The memorandum is expected to ensure that time off is granted for these purposes. It will serve to make supervisors more sensitive to employees' needs and enhance the ability of employees to take time off to participate in children's education, elderly relatives' health needs, and routine family medical appointments.

Q4. What leave flexibilities are currently available to employees who need time off from work to care for a family member?

A4. Under the Family and Medical Leave Act of 1993, covered Federal employees are entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for (a) the birth of a son or daughter and care of the newborn; (b) the placement of a son or daughter with the employee for adoption or foster care; (c) the care of a spouse, son, daughter, or parent with a serious health condition; and (d) a

serious health condition of the employee that makes the employee unable to perform the duties of his or her position. ([See Federal Employees Entitlements Under the Family and Medical Leave Act.](#))

Federal employees may use a portion of their accrued sick leave each leave year to care for a family member. (See [Sick Leave for Family Care and Bereavement](#) and [Sick Leave to Care for a Family Member with a Serious Health Condition.](#))

Employees may request advance annual or sick leave or leave without pay from their agencies for these purposes.

Federal employees are entitled to use 7 days of paid leave each calendar year (in addition to annual or sick leave) to serve as a bone-marrow donor and up to 30 days each calendar year to serve as an organ donor. (See [Bone Marrow and Organ Donation Leave.](#))

The Federal leave transfer program allows Federal employees to donate annual leave to other Federal employees who have medical emergencies and who have exhausted their own leave. Federal leave banks allow employees to contribute a specified amount of annual leave yearly to their agency leave bank. Leave bank members with medical emergencies can withdraw leave from the bank if they exhaust their own leave. (See [Leave Transfer Program](#) and [Leave Bank Program.](#))

Q5. In what order should the different family friendly leave policies be used?

A5. There is no certain order for using the various family friendly leave policies discussed in the [President's memorandum](#). The employee must consider his or her current leave balances and determine (1) whether the situation meets the requirements and obligations of a specific leave program and (2) which leave policy or program best fits his or her needs.

Employees may now choose from an array of family friendly leave policies to meet their family and medical needs. For example, if an employee needs time off from work to accompany his or her child to a doctor's appointment, he or she may use sick leave. If the use of sick leave is not an available option, an employee may request leave without pay or, as available, annual leave, compensatory time off, or credit hours under flexible work schedules for purposes of the expanded family friendly leave policies discussed in the [President's memorandum](#). In addition, an employee may request advance annual or sick leave from his or her agency. If the child's condition develops into a serious health condition, the employee may invoke his or her entitlement to unpaid leave under the Family and Medical Leave Act of 1993 and, if appropriate, may choose to substitute annual leave or sick leave for the unpaid leave. If the employee is experiencing a personal or family medical emergency and has exhausted all of his or her available annual and sick leave, he or she may apply to become a leave recipient under the agency's leave transfer and/or leave bank programs.

Q6. Under the expanded family friendly leave policies, will an employee be required to use leave without pay?

A6. No. A supervisor or manager may not require an employee to use leave without pay for these purposes.

Q7. Do the expanded family friendly leave policies entitle employees to an additional 24 hours of unpaid leave?

A7. The purpose of the expanded family friendly leave policies is to provide employees with flexibility to use an additional 24 hours of leave without pay for the purposes outlined in the [President's memorandum](#). However, an employee does not have an entitlement to leave without pay.

Q8. Can employees use the 24 hours of leave without pay intermittently (e.g., 1 hour or 1 day at a time)?

A8. Yes. An employee may use the 24 hours of leave without pay in the same increments as all other leave is granted by his or her agency.

Q9. Who is an "elderly relative?"

A9. We encourage agencies to permit employees to use leave to care for an elderly relative who is related by blood or marriage to the employee who may require daily care or assistance in making arrangements for housing, meals, telephones, banking services, and other similar activities.

Q10. The President's memorandum states that employees may take leave to "participate in school activities directly related to the educational advancement of a child." What "activities" are included? Are child care facilities included?

A10. We encourage agencies to permit employees to participate in activities, such as parent-teacher conferences (including meetings with principals, counselors, teaching staff, or child care providers); school board meetings; tutoring; interviewing for a new school or child-care facility; and school-sponsored activities, such as sports and recreation programs, field trips, class plays, "career day," or other volunteer activities supporting a child's educational advancement. "School" refers to an elementary school, secondary school, Head Start program, or a child care facility.

Q11. How do employees who do not have children benefit from the expanded family friendly leave policies"

A11. Employees who do not have children may benefit from the expanded family friendly leave policies by choosing to participate in school activities directly related to the educational advancement of a child. These activities may include attending school board meetings; tutoring students; and participating in school-sponsored activities, such as sports and recreation programs, field trips, class plays, "career day," etc. These activities are important to the educational advancement of a child.

Q12. Can an agency require medical certification of an employee who requests time off from work under the expanded family friendly leave policies to accompany his or her child or an elderly relative to routine medical or dental appointments? Can an agency require evidence if an employee requests leave to participate in school activities or to make arrangements for housing, meals, telephones, banking services, and other similar activities for an elderly relative?

A12. Yes to both questions. Agencies have discretionary authority to require evidence that is administratively acceptable, including medical certification, as appropriate, from an employee who requests leave without pay under the new expanded family friendly leave policies.

Q13. Can an employee use the 24 hours of leave without pay under the expanded family friendly leave policies for other family purposes not specified in the President's memorandum--e.g., to have an estate or yard sale for an elderly relative who is moving to a retirement or nursing home or to a group setting or to care for his or her child or elderly relative when the normal care provider is unavailable?

A13. We encourage agencies to permit employees to use up to 24 hours of leave without pay to participate in school activities, accompany their children to medical or dental appointments, or to accompany elderly relatives to medical appointments or other professional services relating to the care of the elderly relative. Currently, employees may request time off from work for family responsibilities. A supervisor may approve an employee's request to use additional leave without pay or annual leave, compensatory time off, or credit hours under flexible work schedules for purposes not specified in the [President's memorandum](#), such as organizing or holding an estate or yard sale to sell the belongings of an elderly relative or to care for his or her child or elderly relative when the normal child care or elder care provider is sick or otherwise unavailable.

Q14. Can an employee be granted advance annual leave?

A14. Yes. An agency may follow its normal policies for advancing annual leave for the purposes outlined in the [President's memorandum](#).

Q15. Can an employee use donated annual leave to take time off from work for the purposes outlined in the President's memorandum?

A15. No. Under the Federal leave sharing program, an employee may donate annual leave to other Federal employees who have a personal or family medical emergency and who have exhausted their own available annual and sick leave. A leave recipient may use donated annual leave only for the purpose of the medical emergency for which the leave recipient was approved. We do not believe the purposes outlined in the [President's memorandum](#)--i.e., routine medical or dental appointments--are consistent with the purposes for which donated annual leave may be used--i.e., medical emergencies.

Q16. Does this memorandum mean, in effect, that an employee is limited to only 24 hours of leave without pay each year for these purposes?

A16. No. The [President's memorandum](#) encourages agencies to provide up to 24 hours of leave without pay each year for these purposes. However, this does not limit or prohibit an employee from requesting and receiving additional leave or other time off for school activities, routine family medical purposes, and elderly relatives' health needs. These needs can be met through the use of annual leave, compensatory time off, credit hours under flexible work schedules, or additional leave without pay.

Q17. What is the difference between "compensatory time off" and "credit hours?"

A17. Compensatory time off is available for almost all employees who perform irregular or occasional overtime work. Credit hours are only available to employees on flexible work schedules that provide for this feature. Unlike compensatory time off, credit hours cannot be converted into overtime pay, and the employee is limited to carrying over no more than 24 credit hours from one pay period to the next.

Q18. Is an agency required to keep track of how many hours of leave are used for these purposes?

A18. The [President's memorandum](#) does not require agencies to keep records on the amount of leave without pay or other time off used for school activities, routine family medical purposes, and elderly relatives' health needs. However, an agency may decide to maintain records of leave used by employees for these purposes.

Q19. Does an employee requesting family friendly leave for one of the purposes in the [President's memorandum](#) have an entitlement to be granted leave in preference to another employee who requests leave for other purposes (e.g., car breaks down, child care or elder care provider is sick, etc.)?

A19. Managers and supervisors have discretionary authority to approve leave. When granting leave, supervisors must consider the circumstances of each situation, consistent with current law, Office of Personnel Management regulations, and agency policies.

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