

EMPLOYEE RIGHTS

FAMILY and MEDICAL LEAVE ACT (FMLA), as incorporated in the Congressional Accountability Act

LEAVE ENTITLEMENTS

Covered employees who work for a legislative branch employing office can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying health condition;
- For the employee's own qualifying health condition;
- For qualifying situations related to military deployment.



An employing office may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave.

ELIGIBILITY

To be eligible for FMLA leave, a legislative branch employee must meet two criteria:

- Have worked for any employing office of the legislative branch for at least 12 contiguous months prior to the first day that the FMLA leave would begin. Employees may add together the months worked for two separate legislative branch employing offices. Time worked in the federal executive branch is not eligible for inclusion in the 12 month work requirement in the legislative branch.
- Have at least 1,250 hours of service in the 12 months before taking leave.

REQUESTING LEAVE

Generally, employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an



employee must notify the employing office as soon as possible.

Employees do not have to share a medical diagnosis but must provide enough information to the employing office so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employing office that the employee is or will be unable to perform his or her job function, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employing office if the need for leave is the same as the need cited in previously taken or certified FMLA leave.

Employing offices can require a certification or periodic recertification supporting the need for leave and must request additional information in writing.



EMPLOYING OFFICE RESPONSIBILITIES

Once an employing office becomes aware that an employee's situation may qualify him or her for FMLA leave, the employing office must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employing office must provide a reason for ineligibility.

An employing office must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may contact their Human Resources Department or the independent Congressional Office of Compliance with questions. All formal complaints alleging a violation of the FMLA, as incorporated in the Congressional Accountability Act, must be filed with the Office of Compliance within 180 days of the alleged violation.



BENEFITS & PROTECTIONS

An eligible legislative branch employee who is a covered service-member's spouse, child, parent, or next-of-kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service-member with a serious injury or illness.

An employee does not need to use leave in one block. In some cases, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employing office may require, use of accrued paid leave while taking FMLA leave.

Employing offices must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.



FOR MORE INFORMATION, CONTACT:

The Office of Compliance @ 202.724.9250
www.compliance.gov