
ARTICLE 39

Family Leave

In recognition of the need for a flexible and compassionate leave policy to assist employees to blend their work life and their family responsibilities, and to promote a harmonious relationship among their needs, Management will consider all reasonable and timely requests from employees that meet the criteria established for leave as provided for in this section. Further, because we recognize that balancing home and workplace needs is important to the well-being of employees and therefore the productivity of the Department, Management and NCFL support DOL programs designed to assist employees in meeting their family care needs. The intent of this section is to encourage the development of innovative and cost-effective approaches to providing additional assistance in meeting employee family care needs. The Department, to the extent permitted by Government rules and regulations and budget, will support these programs.

This section is to be read in tandem with the Family and Medical Leave Act (FMLA) and the Federal Employee Family Friendly Leave Act (FEFLA).

Section 1 - Maternity, Paternity, and Child-Rearing Leave

- A. Sick leave may be used for those periods of absence related to incapacitation due to pregnancy and confinement. Annual leave or LWOP may be used when sick leave is not sufficient to cover this period. Absences which are not medically certified as due to incapacitation for the performance of duty may not be charged to sick leave; such absences must be charged to annual leave, earned credit hours or compensatory time, or leave without pay in an order chosen by the employee.
- B. After delivery and recuperation, the employee may desire a period of adjustment or need time to make arrangements for the care of the child. Such additional leave requirements may be taken care of by the use of available approved annual leave or leave without pay.

Section 2 - Family Leave

- A. An employee may be absent on annual leave, sick leave, or leave without pay for purposes of aiding, assisting, or caring for family members.

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- B. An employee requesting extended annual leave or leave without pay shall provide Management a reasonable advance notice which is commensurate with the extended period of absence. All leave will be granted subject to mission requirements of the Agency.
 - C. In the case of extended periods of absence, Management will attempt to return the employee to the same job and location. Employees on extended approved absences may be recalled subject to the needs of the Agency mission.
 - D. In an emergency situation, Management will grant the leave requested commensurate with the emergency.

Section 3 - Adoptive Leave

Annual leave, earned credit hours and compensatory time, leave without pay, or sick leave, in accordance with Office of Personnel Management (OPM) regulations, can be used by an employee for those absences associated with their adoption of children.

Section 4 - Definition of Family Member

For the purposes of this Article, family member means the following relatives of the employee:

- A. Spouse and parents thereof;
- B. Children, including adopted children, and spouses thereof;
- C. Parents;
- D. Brothers and sisters, and spouses thereof; and
- E. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.