

Required Use of Paid Leave During FMLA

The following chart indicates when Executive Branch employees will be required to substitute paid FMLA leave for unpaid FMLA leave. All required leave must be taken in the order that appears in the chart below (reading left to right) before unpaid leave or optional leave will be permitted. “Optional” means at the employee’s discretion. The employer may not refuse to grant that leave if it is qualifying FMLA leave and the employee has used all available “required” leave during the FMLA entitlement period.

Reason for Leave	Sick Leave	Sick-D ¹	Sick-M ²	Compensatory Time	Annual Leave	Bonus Leave	Floating Holiday ³	Unpaid Leave
Employee’s own serious health condition	Required	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Birth of a healthy child (mother) ⁴	Required	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Adoption of a healthy child (mother)	Optional ⁵	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Birth or adoption of a healthy child (father)	Optional ⁶	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Foster Care Placement of a healthy child (mother or father)	Not permitted	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Serious health condition of a spouse, child or parent	Not permitted	Optional ⁷	Required	Required	Optional	Optional	Optional	Optional
Military qualifying exigency	Not permitted	Not permitted	Not permitted	Required	Optional	Optional	Optional	Optional
Military caregiver leave ⁸	Not permitted	Required	Required	Required	Optional	Optional	Optional	Optional

1 Sick-D may be taken by the mother in connection with the birth, adoption or foster care placement of a child for the child’s scheduled medical appointments. Spouses may take Sick-D for medical appointments for the mother or child.

2 Sick-M, available in some collective bargaining units, may be taken in connection with the birth, adoption or foster care placement of a child if the child should become seriously ill or injured.

3 In all cases, floating holidays must be taken as full days.

4 Sick leave is required for the period of actual disability, and also may be permitted in certain collective bargaining units up to 12 weeks to the extent of the employee’s FMLA leave entitlement it is taken immediately following the birth or adoption of the child. It is not permitted for foster care placements.

5 In some Collective Bargaining Agreements, sick leave may be permitted up to 12 weeks of approved FMLA leave if it is taken immediately following the adoption. Sick leave may not be taken for foster care placements.

6 In some Collective Bargaining Agreements, sick leave may be permitted up to 12 weeks of approved FMLA leave if it is taken immediately following the birth or adoption. Sick leave may not be taken for foster care placements.

7 Sick-D may be retained for dependent care, such as doctor’s appointments, for family members who are not seriously ill or incapable of self-care within the meaning of the FMLA.

8 Unlike other FMLA leaves, the “single 12 month period” is not a rolling year looking backwards, but a 12 month period beginning on the date leave is first needed.