



DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION
22347 CEDAR POINT ROAD, UNIT 6
PATUXENT RIVER, MARYLAND 20670-1161

NAVAIRWARCENACDIVINST 12630.2A
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NAVAIRWARCENACDIV INSTRUCTION 12630.2A

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: FAMILY AND MEDICAL LEAVE

Ref: (a) NAVAIRINST 12630.4
(b) 5 CFR 630 Subpart L

1. Purpose. To issue operating procedures necessary to carry out responsibilities and delegated authorities outlined in references (a) and (b).

2. Summary of Changes. This edition of the instruction has been updated and reworded to reflect current processes and procedures. Due to numerous changes throughout, a complete review of the entire instruction is recommended upon receipt.

3. Cancellation. NAVAIRWARCENINST 12630.2 of 21 January 1994.

4. Scope. This instruction applies to all Federal employees at activities serviced by the Human Resources Office (HRO), with the following exceptions:

- a. Employees serving under an intermittent appointment,
- b. Employees serving in a temporary position with a time limitation of one year or less, and
- c. Part-time employees who do not have an established regular tour of duty during the administrative workweek.

(Note: Employees excluded under paragraph 4 are covered by Title I of the Family and Medical Leave Act and are subject to Department of Labor regulations.)

5. Background. The Family and Medical Leave Act which went into effect in 1993, provides eligible federal employees with a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical situations.

6. Responsibilities

a. Employees. Employees wishing to take leave under the provisions of the Family and Medical Leave Act are responsible for the following:

(1) When requesting leave, employees must submit to their immediate supervisor a signed and dated Standard Form 71 (SF 71 Request for Leave or Approved Absence), or its equivalent electronic version. Whether taking annual leave, sick leave, or leave without pay, if the leave is for family or medical purposes authorized by references (a) or (b), employees must specify in block 5 of the SF-71 that the leave is being used for this purpose. The employee must specify the period of leave requested.

(2) Employees must provide their immediate supervisor with a written notice of any personal representative the employee has designated on his or her behalf.

(3) Employees are responsible for reporting on their status, their intention of returning to work, and providing medical certification.

(4) When an employee requests leave for the care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition, or a serious health condition of the employee makes the employee unable to perform the essential functions of his or her position, he or she shall provide supporting medical documentation to the supervisor in a timely manner. Whenever possible, the employee shall present medical certification supporting the need for leave in advance but not later than 15 calendar days after the supervisor requests such certification. If it is not practicable under the particular circumstances to provide the requested medical certification as described above despite the employee's diligent, good faith efforts, the employee must provide the medical certification within a reasonable period of time, but no later than 30 calendar days after the date the supervisor requests such medical certification. Written medical certifications shall include, as appropriate to the situation:

(a) The date the serious health condition commenced.

(b) The probable duration of the serious health condition or specify that the serious health condition is a chronic or continuing condition with an unknown duration and whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.

(c) The appropriate medical facts regarding the serious health condition, including a general statement as to the incapacitation, examination, or treatment that may be required by a health care provider.

(d) A statement from the health care provider that the spouse, son, daughter, or parent of the employee requires psychological comfort and/or physical care; needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs or in making arrangements to meet such needs; and would benefit from the employee's care or presence.

(e) A statement from the employee on the care he or she will provide and an estimate of the amount of time needed to care for his or her spouse, son, daughter, or parent.

(f) A statement that the employee is unable to perform one or more of the essential functions of his or her position or requires medical treatment for a serious health condition, based on written information provided by the immediate supervisor on the essential functions of the employee's position, or if not provided, discussion with the employee about the essential functions of his or her position.

(g) The dates (actual or estimates) on which such treatment is expected to be given in the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the duration of such treatment, and the period of recovery if any, or specify that the serious health condition is a chronic or continuing condition with an unknown duration and whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.

(5) When an employee requests leave for purposes of birth of a newborn or care for a newborn, the medical statement or birth certificate will serve as adequate documentation. This certification is to be presented to the supervisor as soon as practicable, but not later than the employee's return to duty.

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(6) When an employee requests leave for purposes of adoption or foster care, the employee shall present a signed statement from the adoption or other agency overseeing the placement of the child for adoption or foster care. Generally, the employee will be able to present this statement in advance. Where this is impracticable the employee shall provide the statement to the supervisor as soon as practicable, but not later than the employee's return to duty.

b. First Level Supervisors. First level supervisors are responsible for the following:

(1) Determining if employees can take leave on an intermittent or reduced basis.

(2) Acting promptly on leave requests submitted by employees under their supervision.

(3) Requesting employees to reschedule medical treatment, if necessary.

(4) Ensuring that employees provide required medical certifications and forwarding the certification to the Occupational Health Office or Dispensary for filing in the employee's medical record.

(5) Challenging medical certification and requiring additional medical certification.

(6) Establishing the essential function of positions in conjunction with a representative of the HRO.

(7) Determining the need for and the timing of medical certifications.

(8) Determining the need to charge an employee's absence as unauthorized if the employee fails to provide the required certification.

c. Department Heads, Division and Branch Heads or their equivalents in tenant activities. Individuals occupying these positions are responsible for the following:

(1) Determining whether available alternative positions will be used and whether they meet the criteria for employees using leave on a reduced or intermittent schedule.

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(2) Determining whether an employee returning from leave can be returned to an equivalent position as discussed in reference (b).

d. Records. The appropriate automated timekeeping system (e.g., Cross Application Time Sheet (CATS)), will maintain a proper accounting of the time used for family and medical leave. Otherwise the servicing Payroll Office will keep the appropriate accounting required by reference (b).

7. Grievances. Employees who believe that management has failed to comply with the Family and Medical Leave Act provisions of references (a) or (b), may file a grievance under the appropriate negotiated grievance procedure (bargaining unit employees) or the administrative grievance procedure (non-bargaining unit employees).

8. Procedures. The following procedures apply:

a. Leave Codes. The family and medical leave codes below will be reported with the applicable leave code (Hour Code KA) (Leave without Pay), LA (Annual Leave), LB (Advanced Annual Leave), LG (Advanced Sick Leave) and/or LS (Sick Leave). The following leave codes will be input in the Premium Number field. The leave codes are:

(1) DA - birth of son/daughter or care of newborn

(2) DB - adoption or foster care

(3) DC - care of a family member or parent with a serious health condition

(4) DD - serious health condition of employee

b. Return to Duty. Management must ensure that employees in certain positions, upon returning to work following treatment of a serious health condition, are able to perform the essential functions of their position. Upon their return to work, such employees must provide their supervisor with medical certification that they are able to perform the essential functions of their position. Employees are required to provide this documentation only if they occupy a position such as the following:

(1) Having specific medical standards or physical requirements

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- (2) Covered by a medical evaluation program

The HRO can advise if positions fall into one of the above categories. HRO can also provide advice and assistance on the notification and reimbursement criteria contained in section 630.1208(i).

c. Monthly Notification. Employees, or, when necessary their personal representatives, shall contact their supervisors at the beginning of each calendar month when in a family or medical leave status and advise of his or her intent with respect to return to work. Depending upon the circumstances of the case, the supervisor may waive this requirement. The HRO should be consulted with regard to waivers.

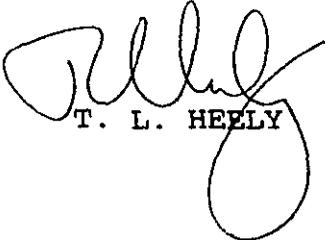
d. Twelve-Month Period. The beginning and ending dates for the 12-month period during which an employee takes leave under this instruction is calculated as follows:

(1) The 12-month period begins on the date an employee first takes leave for a family or medical need and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of family or medical leave.

(2) Entitlement to leave shall expire at the end of the 12-month period beginning on the date of birth or placement. Leave for a birth or placement must be concluded within this 12-month period. However, leave taken may begin prior to or on the actual date of birth or placement for adoption or foster care, and the 12-month period begins on that date.

9. Effect of Labor Agreements. Where this instruction conflicts with the content of a current labor agreement, the labor agreement will control. When the labor agreement expires, the instruction will then control.

10. Review. The Director, HRO shall review this instruction annually on its anniversary date, making revisions as necessary.


T. L. HEELY

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Distribution:

NAVAIRWARCENACDIV Patuxent River and Lakehurst