

Your Rights Under the Congressional Accountability Act



Family and Medical Leave Act (FMLA)

Section 202 of the Congressional Accountability Act (CAA) applies certain rights and protections of the Family and Medical Leave Act of 1993 (FMLA) to covered employees. These rights and protections entitle eligible employees to take up to twelve weeks of leave in a twelve month period for certain family and medical reasons while still receiving health insurance benefits. Employers are not required to pay employees on FMLA leave.

Key Provisions Under the Law

- To be eligible, an employee must have been employed for a total of twelve months and for at least 1,250 hours of employment during the previous twelve months.
- The twelve months of employment do not need to have been consecutive, or for a single employing office.
- Employees may take leave all at once, in separate blocks of time, or on a reduced leave schedule.
- Under certain conditions, either the employee or the employing office may elect to substitute accrued paid sick or vacation leave for the unpaid leave, but the employer is not otherwise required to pay the employee while he or she is on FMLA leave.
- Leave may be taken because of child birth, the adoption of a child, a "serious health condition," or the care of a family member with a serious health condition.
- The employing office must maintain group health coverage for the employee taking leave.
- An employee is entitled to be restored to the same or an equivalent position as that held when leave commenced. There are limited exceptions to this right for "key" employees.

Frequently Asked Questions About FMLA

Q. Which employees are eligible to take family and medical leave?

A. An "eligible employee" means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months. The 12 months an employee must have been employed by any employing office do not need to be consecutive months. If an employee has worked for two or more employing offices at different times, the time worked will be added together to determine whether the employee has worked at least 1,250 hours during the previous 12 months.

Family and Medical Leave Act CONTINUED

Q. Is family and medical leave paid or unpaid?

A. Family and medical leave may be unpaid leave. However, an eligible employee may choose – or an employing office may require an employee – to substitute accrued paid leave (such as sick or vacation leave) for family and medical leave.

Q. Does an employing office have to maintain an employee's health insurance coverage during family and medical leave?

A. An employing office must maintain an employee's group health coverage for the duration of the leave at the same level and under the same conditions as if the employee had remained continuously employed, provided the employee pays his or her share of the premiums. Under certain circumstances, if the employee fails to return to work after family and medical leave, the employee may be required to repay the share of health coverage premiums paid by or for the employing office.

The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding your rights under the Family and Medical Leave Act or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at www.compliance.gov.

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

The Office of Compliance
110 2nd Street, SE Room LA-200
Washington, D.C. 20540-1999
202-724-9250/TDD 202-426-1912
Recorded Information Line: 202-724-9260
www.compliance.gov

Family and Medical Leave Act Fact Sheet
April 2003