

LEGAL UPDATE

Interim Final Rule Issued on Paid Family Leave for Federal Workers

The U.S. Office of Personnel Management (OPM) has published an [interim final rule](#) to implement the Federal Employee Paid Leave Act (FEPLA), which provides 12 weeks of paid parental leave to certain federal employees covered by the Family and Medical Leave Act (FMLA). The rule takes effect Oct. 1, 2020, the same date leave benefits become available under FEPLA.

The Federal Employee Paid Leave Act

The FEPLA, enacted Dec. 20, 2019, allows covered employees to substitute up to 12 weeks of paid parental leave for FMLA unpaid leave granted in connection with the birth or placement (for adoption or foster care) of a son or daughter.

Paid leave must be taken during the 12-month period beginning on the date of the birth or placement involved, and covered employees must have been employed by the employer for a total of 12 months at any time in the past. FEPLA does not apply to intermittent or temporary employees. Unlike FMLA leave, two married parents of the same child who are employed by the same employer are each entitled to their own 12 weeks of leave under the FEPLA.

The Interim Final Rule

The regulations clarify or add the following key provisions, among others:

- Annual leave may be substituted for approved, unpaid FMLA leave.
- FEPLA leave is available only in the amount of unused FMLA leave.
- Unused FEPLA leave may not be rolled over or paid out.
- Employee documentation and certification requirements apply.
- There are details about, and exceptions to, the requirement that employees work for the employing agency for 12 weeks following FEPLA leave.

Comments on the rule must be received by Sept. 9, 2020.

Provided to you by [TechServe Alliance](#)

Important Dates

Dec. 20, 2019

Federal Employee Paid Leave Act passed.

Sept. 9, 2020

Deadline for comments on interim final rule.

Oct. 1, 2020

Interim final rule and FEPLA benefits take effect.

Employees' paid leave under FEPLA is limited to the amount of unused FMLA leave they have available.

