

For: FFAS Employees

**Extending the 24-Hour Leave Without Pay (LWOP) Family Support Policy
to Domestic Partners of Federal and Non-Federal Employees**

Approved by: Acting Deputy Administrator, Management



1 Overview

A Background

The 24-hour LWOP Family Support policy was established by President Clinton in 1997 to encourage Federal agencies to make 24 hours of unpaid leave available to Federal and non-Federal employees for family support purposes as an interim measure while pursuing legislation to amend the Family and Medical Leave Act (FMLA). Although FMLA was never amended for these purposes, President Obama continues to support the LWOP policy with a current emphasis on extending coverage to Federal and non-Federal employees with same-sex domestic partners.

B Purpose

This notice implements policy for 24 hours of LWOP to be used to meet the needs of an employee’s domestic partner or the partner’s children for:

- school and early childhood educational activities
- routine family medical purposes
- elderly relatives’ health or care needs.

C Contact

Direct questions about this notice to either of following:

- for policy information, Susan Brown by:
 - e-mail at susan.brown@wdc.usda.gov
 - telephone at 202-401-0517
- employees who need to use LWOP for Family Support:
 - supervisor
 - Servicing Personnel Office.

Disposal Date	Distribution
February 1, 2011	All FAS, FSA, and RMA employees, State Offices relay to County Offices

2 Definitions

A Domestic Partnership

A domestic partnership is a committed relationship between 2 adults, of the same (or opposite) sex, in which the partners:

- are each other's sole domestic partner and intend to remain so indefinitely
- maintain a common residence and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle)
- are at least 18 years of age and mentally competent to consent to contract
- share responsibility for a significant measure of each other's financial obligations
- are not:
 - married or joined in a civil union to anyone else
 - the domestic partner of anyone else
 - related in a way that would prohibit legal marriage in the U.S. jurisdiction in which they reside
- are willing to:
 - certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification
 - disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.

Note: FFAS has extended the 24-Hour of LWOP for Family Support to domestic partners of the opposite sex. Therefore, the definition of domestic partner for this notice includes both same-sex and opposite-sex partners.

B Elderly Relative

An elderly relative is an elderly person who is related to the employee by:

- blood
- marriage
- virtue of being the elderly relative of an employee's domestic partner.

2 Definitions (Continued)

C Employee's Child

An employee's child is:

- a child related by blood, marriage, or adoption
- a foster child
- a child of an employee's domestic partner.

3 24-Hour LWOP Family Support Policy

A Policy

Employees with domestic partners are now allowed to use 24 hours of LWOP in a leave year for the following reasons:

- school and early childhood educational activities
- routine family medical purposes
- elderly relatives' health or care needs.

The 24-Hour LWOP Family Support policy is **not** based on FMLA. LWOP is **not** an entitlement. The employee has the right to request LWOP, subject to the right of the supervisor to approve or disapprove.

LWOP may be used intermittently.

B School and Early Childhood Educational Activities

Employees may participate in school activities directly related to educational advancement of a child, including the children of an employee's domestic partner. Typical activities include, but are not limited to:

- parent-teacher conferences (including meetings with principals and counselors)
- school board meetings
- tutoring
- meetings with child-care providers
- interviewing for a new school or child-care facility
- participating in volunteer activities supporting the child's educational advancement (sports, recreation programs, field trips, class plays, and "career day").

Note: School refers to an elementary school, secondary school, Head Start program, or a child-care facility.

3 24-Hour LWOP Family Support Policy (Continued)

C Routine Family Medical Purposes

Employees may accompany their children and the children of their domestic partner to routine medical or dental appointments. Examples include annual checkups and vaccinations.

D Elderly Relatives Health or Care Needs

Employees may accompany an elderly relative, including the elderly relative of their domestic partner to routine medical or dental appointments. Employees may also accompany their elderly relatives to other professional services related to their care, such as:

- making arrangements for housing
- meals
- phones
- banking services
- similar activities.