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Extension of 24-Hour Leave Without Pay (LWOP) Family Support Policy To Same- Sex Domestic Partners of Federal Employees

A Mandatory Reference for
ADS Chapter 480

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In his June 2, 2010 memorandum, President Obama directed Federal agencies to take immediate action to extend certain benefits to same-sex domestic partners of Federal employees, and where applicable, to the children of same-sex domestic partners of Federal employees, to the maximum extent permitted by law. (Please refer to Notice 07140, dated 07/28/2010, "Implementation of the President's Memorandum Regarding Extension of Benefits to Same-Sex Domestic Partners of Federal Employees Including Coverage under the Federal Long Term Care Insurance Program.")

Further, the Office of Personnel Management (OPM) has directed Federal agencies to implement section 1(a)(vi) of the President's memorandum to permit employees to use 24 hours of leave without pay (LWOP) to provide family support for the children or elderly relatives of their same-sex domestic partners.

Note that this policy expands a family-friendly initiative of President Clinton in 1997 to encourage Federal agencies to make 24 hours of unpaid leave available to Federal employees to help employees meet their family demands. President Clinton then directed Federal agencies to assist employees by ensuring that employees may schedule and be granted up to 24 hours of LWOP for three purposes including:

- (1) Participation in school activities directly related to the educational advancement of a child;
- (2) Accompanying their children to routine medical or dental appointments, such as annual checkups and vaccinations; and
- (3) Accompanying their elderly relatives to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing meals, telephones, banking services, and other similar activities.

The recent OPM guidance related to President Obama's memorandum augments and expands President Clinton's earlier directive to Federal agencies. President Obama's memorandum specifies that employees with same-sex domestic partners may request to use 24 hours of LWOP in a leave year for the following reasons:

- (1) **School and Early Childhood Educational Activities:** Employees may request LWOP to participate in school activities directly related to the educational advancement of the children of an employee's same-sex domestic partner. This includes parent-teacher conferences or meetings with child-care providers, interviewing for a new school or child-care facility, or participating in volunteer activities supporting the child's educational advancement. "School" refers to an elementary school, secondary school, Head Start program, or a child-care facility.
- (2) **Routine Family Medical Purposes:** Employees may request LWOP to accompany the children of their same-sex domestic partners, to routine medical or dental appointments, such as annual checkups or vaccinations.

(3) Elderly Relatives' Health or Care Needs: Employees may request LWOP to accompany the elderly relative of their same-sex domestic partners to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, phones, banking services, or other similar activities.

Employees should be aware that the 24-hour LWOP family support policy does not give them an entitlement to the 24 hours of LWOP. Employees have a right to request LWOP subject to the right of supervisors to approve or disapprove the leave request. Supervisors must balance support for each employee's need for time away from the workplace with the employee's work requirements so that the individual's absence does not hinder the efficiency or effectiveness of work operations.

The Office of Human Resources will incorporate language in ADS 480, Leave, to include this new policy. Agency leave policies already permit employees to request LWOP for such purposes. Currently, LWOP may be granted to employees for any reasonable purpose including fulfillment of parental or family responsibilities such as those mentioned above. Employees, of course, always have the option to request paid leave (accrued sick leave or annual leave, as appropriate) or compensatory time off for family support purposes instead of LWOP.

OPM has provided Federal agencies with a list of frequently asked questions (FAQs) regarding the 24-hour LWOP family support policy located at <http://www.opm.gov/oca/leave/html/24HoursLWOPQA.asp>

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