



New Definitions of Family Member, Immediate Relative, and Related Terms for Leave Purposes

A Mandatory Reference for ADS Chapter 480

Reference Issuance Date: 10/05/2011
Policy Issuance Date: 11/04/2010
Responsible Office: OHR/PPIM
File Name: 480mac_100511

The U.S. Office of Personnel Management (OPM) issued final regulations, effective July 15, 2010, concerning the definitions in 5 CFR part 630 (subparts B, H, I, J, and K) related to "family member" and "immediate relative" for the use of sick leave, funeral leave, voluntary leave transfer, and emergency leave transfer.

OPM issued the final regulations in response to Section 1 of the President's June 17, 2009, Memorandum on Federal Benefits and Non-Discrimination to promote consistent application of the policy across the Federal Government. In addition, these changes ensure that agencies consider the needs of a diverse workforce and help to support the needs of employees in balancing their work, personal, and family obligations.

The final regulations modify the definitions of "family member" and "immediate relative" and create new definitions for associated terms. OPM's expanded definitions now include more examples of relationships that are covered under the phrase "any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship."

These relationships include stepparents, stepchildren, grandparents, grandchildren, and same-sex and opposite-sex domestic partners. The "blood or affinity" clause is, therefore, not altered by the new rule, and the examples provided are not intended to be exhaustive, but rather illustrative.

In addition, the final regulations define the terms "committed relationship," "domestic partner," "parent," and "son" or "daughter."

Note that these new definitions do not apply to the Family and Medical Leave Act (FMLA). The situations in which an employee can invoke FMLA leave and the individuals for whom an employee can provide care under FMLA are specified in law.

The regulations are available at:

<http://www.gpo.gov/fdsys/pkg/FR-2010-06-14/pdf/2010-14252.pdf>.

480mac_100511