



# NALC Form 1 - Family and Medical Leave Act of 1993

National Association of Letter Carriers, AFL-CIO - 100 Indiana Avenue, NW - Washington, D.C. 20001



## Employee's Notification of New Child in the Family

To take FMLA leave for a new child in the family, an employee must notify management within 30 days (when practicable) of the anticipated date of the birth, placement in foster care or adoption. This form may be used for that purpose. When the leave begins, complete and submit a Form 3971, Request for or Notification of Absence, for each pay period in which leave will be taken.

Employee Name (Print)

To Postal Supervisor:

This serves as notification under the Family and Medical Leave Act of 1993 that I expect to become the parent of a new child by (check one)

Birth

Adoption

Placement in foster care

on (approximate date) \_\_\_\_\_

Following that date I plan to take time off work to care for my new child. I plan to return to work

on (approximate date) \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

## Family and Medical Leave Act Rules: New Child in the Family

The Family and Medical Leave Act guarantees each letter carrier 12 weeks of time off per postal leave year for a new child in the family-by birth, by placement of a foster child or by adoption. The age of a child adopted or placed in foster care does not affect eligibility for leave (except that the child must be under 18, or older but incapable of self-care). When both parents work for the Postal Service, each parent may take up to 12 weeks of FMLA leave for this purpose.

**Before the child arrives:** In the case of a birth, the pregnant employee is entitled to FMLA leave before the actual date of birth, for prenatal care or if her condition makes her unable to work. Accrued paid sick leave may

be used for these purposes; the employee also may use annual leave or LWOP in accordance with existing rules.

Before or after a foster or adopted child is placed, the employee is entitled to take FMLA leave for making required arrangements for the placement-to attend counselling sessions, appear in court, consult with his or her attorney or doctors representing the birth parent, or submit to a physical examination. A father or mother is entitled to take FMLA leave for these reasons, and may use annual leave or LWOP in accordance with existing rules.

**Caring for the child during the first year.** Whether the child arrives by birth or by placement, a mother or father is entitled to

FMLA leave to care for the child during the first year. No medical justification is needed-the FMLA leave is guaranteed simply to care for the new child. This particular right to FMLA leave terminates on the first anniversary of the child's birth or placement.

**LWOP rules.** Under Section 514 of the *USPS Employee and Labor Relations Manual*, as a general rule management has discretion in the granting of LWOP; this is an administrative decision that must be based on the needs of the employee, the needs of the Postal Service and the cost to the Postal Service. However, if the employee has exhausted paid leave then LWOP must be granted for an FMLA-covered condition.