**MoDOT Family and Medical Leave Act (FMLA) Leave Reference Chart**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FMLA-Qualifying Events** |  **Parental Leave** | **Paid Sick Leave** | **Paid Annual Leave and/or****Paid Comp Time** | **Unpaid FMLA Leave** |
| **Incapacity due to pregnancy, prenatal medical care, or childbirth** | n/a | In addition to 6 workweeks of parental leave, the parent that gave birth to the child may use up to 2 workweeks of accrued paid sick leave for the purpose of recovering from childbirth. This sick leave must be used within the first 12 workweeks following the birth of the child and must immediately follow the use of parental leave. Additional paid sick leave may only be used if circumstances exist which meet the usual requirements for the use of paid sick leave. Accrued paid sick leave must be exhausted before requesting unpaid FMLA leave.  | May use as much or as little accumulated annual leave or comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, before requesting unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. |
| **Birth or placement of a child**(leave must be taken within the first 12 weeks following birth or placement, except for FMLA which must be taken within the first 12 months following the birth/placement of the child ) | Primary caregiver may use up to 6 workweeks of parental leave; secondary caregivers may use up to 3 workweeks of parental leave. | With the exception of the 2workweeks of accrued sick leave for the parent that gave birth to the child noted above, sick leave may only be used if the reason for leave qualifies for sick leave usage under the regular sick leave policy. | Employees have the option of using their other applicable accrued paid leave within the first 12 workweeks following the birth or placement of a child before taking unpaid FMLA. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken.\* |
| **Spouse, child, or parent with a serious health condition** | n/a | Must exhaust all accrued paid sick leave before taking unpaid FMLA leave. | May use as much or as little accumulated annual leave or comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, before requesting unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. |
| **Employee’s own serious health condition** | n/a | Must exhaust all accrued paid sick leave before taking unpaid FMLA leave. | May use as much or as little accumulated annual leave or comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, before requesting unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. |
| **Qualifying exigency** | n/a | Cannot use **unless** reason for leave qualifies for sick leave usage under regular sick leave policy. | May use as much or as little accumulated annual leave or comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, before requesting unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. |
| **Military caregiver** | n/a | Must exhaust all accrued paid sick leave before taking unpaid FMLA leave. | May use as much or as little accumulated annual leave or comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, before requesting unpaid FMLA leave. | Up to 26 workweeks per a 12-month period, in addition to any paid leave taken.\*\* |

\*Spouses’ combined total FMLA leave may not exceed 12 workweeks in a 12-month period if both spouses work for the State of Missouri

\*\*Spouses’ combined total FMLA leave may not exceed 26 workweeks in a 12-month period if both spouses work for the State of Missouri

**MoDOT Family and Medical Leave Act (FMLA) Leave Reference Chart**

**Leave usage examples for scenarios involving incapacity due to pregnancy, prenatal medical care, or childbirth; and the birth or placement of a child:**

* For the birth or adoption of a child, a primary caregiver will receive six workweeks of parental leave while a secondary caregiver will receive three workweeks of parental leave. Parental leave is for the purpose of nurturing and bonding and it must be taken within the first 12 weeks following the birth or adoption of a child.
* Following parental leave usage, the parent who gave birth to the child could also use up to 2 weeks of accrued paid sick leave for the purpose of recovering from childbirth. Additional accrued paid sick leave may be used if the sick leave qualifies for sick leave usage under the regular sick leave policy. The parent who gave birth also has the option of using his/her other applicable paid leaves within the first 12 workweeks following the birth of a child before requesting unpaid FMLA. The parent who gave birth can then take up to 12 workweeks of unpaid FMLA leave within the first 12 months following the birth of the child.
	+ If the expectant mother is placed on bed rest prior to delivery she must use accrued paid sick leave before taking unpaid FMLA leave to cover this absence. Parental leave for nurturing and bonding and 2 weeks of accrued paid sick leave for recovering from childbirth may only be used after the birth of the child occurs. If the mother exhausts all of her accrued paid sick leave during a period of incapacity, she could then use as much or as little accrued annual leave/comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met, and up to 12 workweeks of unpaid FMLA. Whether the unpaid FMLA leave is taken for the expectant mother’s incapacity or the birth of her child, there are still only 12 workweeks total unpaid FMLA leave available per 12-month period.
* Following parental leave usage, the father or adoptive parent has the option of using his/her other applicable accrued paid leave within the first 12 workweeks following the birth of a child before taking unpaid FMLA. The father or adoptive parent may then take up to 12 workweeks of unpaid FMLA leave within the first 12 months after the birth or adoption of a child.
	+ If the father is needed to care for his spouse for her own condition related to pregnancy and/or child birth he must exhaust accrued paid sick leave before taking any unpaid FMLA leave to cover such related absences.

If the child has an illness/injury/condition which requires the employee’s presence, the mother, father or adoptive parent must exhaust accrued paid sick leave before taking any unpaid FMLA leave to cover such related absences.

**Please note: Parental Leave, the 2 weeks of accrued paid sick leave available to the parent who gave birth to the child, and any other paid leave taken for the birth or placement of a child must be taken within the first 12 weeks following the birth or placement.** Unpaid FMLA leave for the birth or placement of a child must be taken within the 12-month period following birth or placement. Also, if leave is taken for the birth or placement of a child and both spouses work for the State of Missouri, the spouses’ combined total unpaid FMLA leave may not exceed 12 workweeks in a 12-month period.