



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Friday, September 10, 2010

CPM 2010-16

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry, Director

Subject: Extension of 24-Hour LWOP Family Support Policy to Same-Sex Domestic Partners of Federal Employees

In his June 2, 2010, memorandum, President Obama directed Federal agencies to take action immediately 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. See whitehouse.gov/the-press-office/presidential-memorandum-extension-benefits-same-sex-domestic-partners-federal-emplo. The purpose of this memorandum is to implement section 1(a)(vi) of the President's memorandum to specify that the 24 hours of leave without pay (LWOP) for (i) school and early childhood educational activities; (ii) routine family medical purposes; and (iii) elderly relatives' health or care needs may be used to meet the needs of an employee's same-sex domestic partner or the partner's children.

The 24-hour LWOP policy was established by President Clinton in 1997 to encourage Federal agencies to make 24 hours of unpaid leave available to Federal employees for these three 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 this LWOP policy with a current emphasis to extend coverage to Federal employees with same-sex domestic partners.

Updated 24-Hour LWOP Family Support Policy

To implement President Obama's directive, Federal agencies should take appropriate action to permit Federal employees with same-sex domestic partners to use 24 hours of LWOP in a leave year for the following reasons:

(1) School and Early Childhood Educational Activities. Federal agencies should allow employees to participate in school activities directly related to the educational advancement of a child, including 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.** Federal employees should be permitted to accompany the children, including 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.** Federal agencies should allow employees to accompany an elderly relative, including the elderly relative of their same sex domestic partner 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, and other similar activities.

To support President Obama's directive, each agency should analyze its existing policies and make revisions, as appropriate, to incorporate language that will support Federal employees' with same-sex domestic partners use of up to 24 hours of LWOP each leave year to support the three activities outlined above. In accordance with this directive, the U.S. Office of Personnel Management (OPM) is updating its April 14, 1997, questions and answers (attached) addressing these issues. Also, please see my June 2, 2010, memorandum for a general explanation of the implementation of President Obama's Memorandum Regarding Extension of Benefits to Same-Sex Domestic Partners of Federal Employees. The memorandum is available at <https://www.chcoc.gov/content/implementation-president%E2%80%99s-memorandum-regarding-extension-benefits-same-sex-domestic>.

Additional Information

For additional information, agency Chief Human Capital Officers and/or Human Resources Directors should contact their assigned OPM Human Capital Officer. Employees should contact their agency human resources offices for assistance.

Attachment

cc: Human Resources Directors