Court Services and Offender Supervision Agency
For the District of Columbia

Office of the Director
Office of Human Resources

April 3, 2003

MEMORANDUM

TO: CSOSA Staff

FROM: David S. Orr
Associate Director for Human Resources

SUBJECT: GUIDANCE REGARDING MATERNITY SITUATIONS

In the federal sector, there is no special policy regarding maternity – in other words, what to do regarding work restrictions and leave.

- *The basic rule to remember is that, just as with other medical situations, each maternity case is dealt with on its own merits. The general principle to be followed is that the employee's medical situation, as documented by her medical caregiver, will guide the agency's decisions regarding any work limitations, schedule changes and leave.*

Work Restrictions: *First of all, there is no such thing in the federal sector as "light duty." But special arrangements can be made for employees who, due to a documented medical condition, are* temporarily *unable to perform certain key elements of their job. For example, if an employee's physician advises she should not go up and down stairs, or lift objects more than 10 lbs. in weight, a temporary accommodation will be made. Or, if the doctor advises that a pregnant employee cannot come to the office for some period of time, but could work from home, a temporary telecommuting arrangement will be considered.*

Points to Remember:

- The agency will consider any reasonable accommodation request.
- Medical documentation is required.
- Employees are not entitled to special arrangements simply for personal convenience or preference.
- Supervisors are not permitted to make their own determination of what is appropriate, based on their personal judgment of the situation. The medical documentation is the determining factor.

Leave: How much leave can be granted for maternity situations? The answer – "It depends." One of the myths of federal service is that employees "get twelve weeks of maternity leave." While under the Family and Medical Leave Act (FMLA) federal employees are entitled to use up

808 17th Street, NW, Suite 820, Washington, DC 20006-3944
Voice: (202) 220-5600 (202) 220-5615

to twelve weeks of leave[1] during any twelve-month period for, among other things, the birth of a child and the care of that child, the specifics of each individual case are different and depend on the medical situation.

Actually, there is no specific leave category called "maternity leave." Leave taken for maternity purposes can include a combination of sick leave, annual leave, leave without pay (LWOP), donated leave, and even credit hours and compensatory time.[2] Nor is there a specific time frame allotted – it depends on the employee's documented medical condition.

Normally, accrued sick leave is used for absences due to maternity. But annual leave may be used, as well as LWOP and the other categories listed above.

Points to Remember:

- Leave for maternity purposes must be requested in advance, if possible, using an SF-71.
- Medical documentation is required.

Most maternity situations are easily worked out so that the mutual interests of the employee and agency are met. For the most part, the cases where problems arise are those where insufficient or vague medical documentation is provided.

Bad Documentation: *"Due to patient's pregnancy, she should be placed on light duty for the foreseeable future and given time off as appropriate."*

Good Documentation: *"To avoid possible complications to this patient's pregnancy, she should not lift any objects of more than 5 lbs., and should work a reduced time schedule of 6 hours per day. I will reassess this situation in 30 days."*

The former is vague and basically tells us nothing. The latter is quite specific in telling us exactly what restrictions should be placed on the employee's work requirements, and for approximately how long.

By providing clear, specific medical documentation, employees can assist us in making the accommodations necessary to contribute to a safe and healthy period of pregnancy.

More information is available by reviewing HR Directive 630.2, dated July 24, 2001, available on the CSOSA Web. You may also access OPM's website at www.opm.gov, go to Site Index and click on "L" and then on "Leave." Specific questions can be directed to Marcia Murray, Employee and Labor Relations Specialist, 220-5611.

---

[1] FMLA leave could include both *paid* leave and *unpaid* time off.

[2] In some cases, leave can be *advanced*, but staff are advised that an advance of leave is essentially a loan – the advance is paid back by future leave accruals, and if you leave the agency, any remaining balance is deducted from your last paycheck or retirement account.)