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

| **Reason For Leave** | **Parental Leave** | **Unpaid Domestic or Sexual Violence 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 | n/a | In addition to 6 workweeks of parental leave, for incapacity due to childbirth, 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 even if circumstances do not exist which meet the usual requirements for the use of paid sick leave. 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.  For incapacity due to pregnancy, prenatal medical care, or childbirth, 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 taking 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. Parental leave must be taken within the first 12 weeks following the birth/placement of the child. | n/a | With the exception of the 2  workweeks 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 | Up to 2 workweeks per 12 month period if seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. | 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 taking unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. |
| **Employee’s own serious health condition** | n/a | Up to 2 workweeks per 12 month period if seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. | 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 taking unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. |
| **Addressing Domestic and Sexual Violence Issues** | n/a | Up to 2 workweeks per 12-month period, if the Domestic and Sexual Violence policy requirements are met. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. | May use paid sick leave if the “Sick Leave” policy requirements are met. | 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 taking unpaid FMLA leave. | Not to exceed 12 workweeks of unpaid FMLA leave if the FMLA policy requirements are met. The combined total of unpaid leave used under the Domestic and Sexual Violence policy and the FMLA policy cannot exceed 12 workweeks. |
| **Qualifying exigency** | n/a | 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 taking unpaid FMLA leave. | Up to 12 workweeks per a 12-month period, in addition to any paid leave taken. |
| **Military caregiver** | n/a | 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 taking 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. Both parents have the option of using as much or as little accrued annual leave/comp time as desired, if the “Annual Leave” and “Working Hours & Overtime” policy requirements are met.
  + If the parent giving birth is placed on bed rest prior to delivery any accrued paid sick leave must be used before taking unpaid FMLA leave to cover this absence.
  + If a parent whose partner gave birth to the child is needed to care for the parent who gave birth due to incapacity caused by pregnancy and/or recovery from childbirth, any accrued paid sick leave must be used 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 parent giving birth exhausts all of their accrued paid sick leave during a period of incapacity, they 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 parent whose partner gave birth to the child or adoptive parent has the option of using their other applicable accrued paid leave within the first 12 workweeks following the birth of a child before taking unpaid FMLA. The parent whose partner gave birth to the child 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 child has an illness/injury/condition which requires the employee’s presence, the biological or adoptive parent must exhaust accrued paid sick leave before taking any unpaid FMLA leave to cover such related absences.

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