

**[PUBLISHING INSTRUCTIONS: To precede Chapter 1]**

**Preamble**

Unless otherwise noted in a specific provision, the State Personnel Director's Administrative Procedures were adopted by the State Personnel Director on May 5, 2005, pursuant to a Statement of Basis and Purpose dated May 5, 2005. Such rules and procedures were effective July 1, 2005.

This version reflects rulemaking by the State Personnel Director as follows: to modify Procedure 5-19 and Procedure 5-20 effective January 14, 2015 to align with the Family Care Act.

**[PUBLISHING INSTRUCTIONS: Publish to replace procedures 5-19 and 5-20]**

**Family/Medical Leave (FML)**

- 5-19. The state is considered a single employer under the Family and Medical Leave Act (FMLA) and complies with its requirements, ~~as well as the~~ [Family Care Act, and the](#) following rules for all employees in the state personnel system. Family/medical leave cannot be waived. ~~(5/1/10)~~ [\(1/14/15\)](#)
- 5-20. FML is granted to eligible employees for: (1) birth and care of a child and must be completed within one year of the birth; (2) placement and care of an adopted or foster child and must be completed within one year of the placement; (3) the serious health condition of an employee's parent, child under the age of 18 or an adult child who is disabled, ~~or spouse,~~ [partner in a civil union, or registered domestic partner](#) for physical care or psychological comfort; (4) an employee's own serious health condition; (5) active duty military leave when a parent, child, or spouse experiences a qualifying event directly related to being deployed to a foreign country; or, (6) military caregiver leave for a parent, child, spouse, or next of kin who suffered a serious injury or illness in the line of duty while on active duty. Military caregiver leave includes time for veterans who are receiving treatment within 5 years of the beginning of that treatment. Definitions of a serious health condition and health care provider are in the "Definitions" section of the "Organization, Responsibilities, Ethics, and Definitions" chapter. ~~(5/1/10)~~ [\(1/14/15\)](#)