

FACT SHEET

Updated Absence and Leave Regulation Expands the Definitions of Family Member, Immediate Relative and Other Related Terms

The Office of Personnel Management (OPM) recently issued final regulations that modified and expanded definitions related to who is considered to be a family member or immediate relative for purposes of using sick leave, funeral leave, voluntary leave transfer, voluntary leave bank, and emergency leave transfer. The modifications were undertaken to implement the President's memorandum on Federal Benefits and Non-Discrimination and to help ensure that Federal agencies consider the needs of a diverse workforce and provide employees with the broadest possible support to help them balance their work, personal and family obligations.

Among the changes to the regulations are the following:

Family member means an individual with any of the following relationships to the employee:

- Spouse, and parents thereof;
- Sons and daughters, and spouses thereof;
- Parents, and spouses thereof;
- Brothers and sisters, and spouses thereof;
- Grandparents and grandchildren, and spouses thereof
- Domestic partner, and parents thereof, including the domestic partners of any of the above identified individuals in this definition; and
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Parent is clarified to mean:

- A biological, adoptive, step or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;
- A person who is the legal guardian of the employee when the employee was a minor or required a legal guardian;
- A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis; or
- A parent, as described in the first three paragraphs of this definition, of an employee's spouse or domestic partner.

Son or daughter is clarified to mean:

- A biological, adopted, step or foster son or daughter of the employee;
- A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
- A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or
- A son or daughter, as described in the first three paragraphs of this definition, of an employee's spouse or domestic partner.

Domestic partner means an adult in a committed relationship with another adult, and it includes both same-sex and opposite-sex relationships.

Committed relationship means one in which the employee, and the domestic partner of the employee, are each other's sole domestic partner (and are not married to or domestic partners with anyone else); and share responsibility for a significant measure of each other's common welfare and financial obligations. This includes, but is not limited to, any relationship between two individuals of the same or opposite sex that is granted legal recognition by a State or the District of Columbia as a marriage or analogous relationship (including, but limited to, a civil union.)

CAUTIONARY NOTE: Changes to regulations do not result in changes to Federal statutes! The new definition of domestic partner does not apply to any Federal laws where benefits are given specifically to spouses. In particular, the new definitions do not apply to the Family and Medical Leave Act (FMLA) and its associated regulations. The FMLA statute and regulations do not include a definition of family member or immediate relative; rather, they specify the individuals for whose care an employee may take FMLA leave (e.g., a spouse). The statute does not authorize employees to take FMLA leave to care for domestic partners.

For additional information employees are directed to the June 14, 2010 Federal Register that updated these regulations on Absences and Leave at:

<http://www.opm.govhttp://www.opm.gov/cfr/fedregis/#2010-14252cfr/fedregis/#2010-14252>