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# RECRUITMENT, RETENTION & RELOCATION INCENTIVES and FAMILY MEDICAL LEAVE ACT

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## Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- The first topic of discussion for this briefing will be the Recruitment, Retention and Relocation incentives (formerly called bonuses) and commonly known as the 3Rs. Each agency must have it's own written 3R policy but our presentation covers the basics.
- The second topic of discussion will be the Family Medical Leave Act, informally known as FMLA.
- We have a brief overview of both subjects and a question and answer period after the presentation.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- **RECRUITMENT INCENTIVES**

- an incentive an agency may pay to a newly appointed employee if the agency has determined that the position is likely to be difficult to fill in the absence of such an incentive. In return, the employee must sign an agreement to fulfill a period of service with the agency of not less than 6 months and not more than 4 years.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- **RECRUITMENT INCENTIVES**

- May be paid to an individual not yet employed who has received a written offer of employment and signed a service agreement

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- **RECRUITMENT INCENTIVES**
  - agencies may target groups of positions that have been difficult to fill in the past or that may be difficult to fill in the future and may make the required written determination to offer a recruitment incentive on a group basis

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- **RELOCATION INCENTIVES**

- A relocation incentive is an incentive an agency may pay to a current employee who must relocate to a position in a different geographic area that is likely to be difficult to fill in the absence of such an incentive. In return, the employee must sign an agreement to fulfill a period of service of not more than 4 years with the agency. In addition, the employee must establish a residence in the new geographic area prior to payment.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- **RELOCATION INCENTIVES**

- A position is considered to be in a different geographic area if the worksite of the new position is 50 or more miles from the worksite of the position held immediately before the move. If the worksite of the new position is less than 50 miles from the worksite of the position held immediately before the move, but the employee must relocate (i.e., establish a new residence) to accept the position, an authorized agency official may waive the 50-mile requirement and pay the employee a relocation incentive.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- RETENTION INCENTIVES

- An agency may pay a relocation incentive to an employee who is voluntarily or involuntarily relocated to a different geographic area, assuming all other conditions are met.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- RETENTION INCENTIVES
- A retention incentive is an incentive an agency may pay to a current employee if--
  - The agency determines that the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee and the employee would be likely to leave the Federal service in the absence of a retention incentive, or

# Recruitment, Retention & Relocation Incentives and Family and Medical Leave Act

- RETENTION INCENTIVES (cont'd)
  - The agency has a special need for the employee's services that makes it essential to retain the employee in his or her current position during a period of time before the closure or relocation of the employee's office, facility, activity, or organization and the employee would be likely to leave for a different position in the Federal service in the absence of a retention incentive.

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- The Family Medical Leave Act (FMLA) was signed by President Clinton and became effective on August 5, 1993
- Covered under 5 CFR 630, Subpart L

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- Employee must have at least 12 months of service in other than temporary or intermittent appointment
- Employee must invoke his/her entitlement to FMLA

## Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- Entitlement – most Federal employees entitled to up to 12 workweeks of unpaid leave during any 12-month period for:
  - Birth of son/daughter of employee and care of such son/daughter
  - Placement of son/daughter with employee for adoption/foster care
  - Care of spouse, son, daughter or parent of employee w/serious health condition
  - Serious health condition of employee unable to perform essential functions of his/her position

## Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

FMLA Leave to Care for a Covered  
Servicemember under 5 U.S.C. 6382(a)(3)

Allows 26 weeks of unpaid leave during a  
single 12-month period to care for covered  
servicemember with a serious injury or  
illness

No limits on amount of sick leave that may  
be substituted for unpaid FMLA leave to  
care for covered servicement

## Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- If leave is foreseeable under FMLA, employee shall provide notice NLT 30 calendar days before date of leave is to begin
- If leave is not foreseeable under FMLA, employee shall consult with the agency and make reasonable efforts to schedule treatment so as not to disrupt operations of the agency

## Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

- Medical certification may be required by an agency for leave under FMLA
- If required, medical certification shall include the date of commencement of the serious medical condition, probable duration, any appropriate medical facts

# Recruitment, Retention & Relocation Incentives and Family Medical Leave Act

## Job Benefits/Protection

Employee must be returned to same position or “equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment

Employee is entitled to maintain health benefits coverage; employee on unpaid FMLA leave may pay employee share of premiums on current basis or upon return to work

# RECRUITMENT, RETENTION AND RELOCATION INCENTIVES AND FAMILY MEDICAL LEAVE ACT

