



REFERENCE GUIDE

TIMEFRAME FOR PROVIDING ADMINISTRATIVELY ACCEPTABLE EVIDENCE FOR SICK LEAVE REQUESTS

OPM issued final regulations changing when an employer may receive administratively acceptable evidence to document sick leave. This change to the Code of Federal Regulations became effective on September 18, 2006.

As of September 18, 2006, when an employer determines it is necessary to require administratively acceptable evidence or medical certification for a request for sick leave, no matter the length of the absence, the employer can no longer require that the evidence or certification be provided immediately upon the employee's return from leave. The employer must allow 15 calendar days from the date of the request for the employee to provide the requested documentation. The time period may be expanded to 30 calendar days under special circumstances.

The change will have a major impact on leave restrictions. The new rule of 15 days supersedes language within a leave restriction notice which may be more restrictive of time.

The actual regulation change is located at 5 CFR § 630.403(b), which reads:

An employee must provide administratively acceptable evidence or medical certification for a request for sick leave no later than 15 calendar days after the date the agency requests such medical certification. If it is not practicable under the particular circumstances to provide the requested evidence or medical certification within 15 calendar days after the date requested by the agency despite the employee's diligent, good faith efforts, the employee must provide the evidence or medical certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date the agency requests such documentation. An employee who does not provide the required evidence or medical certification within the specified time period is not entitled to sick leave.



The new rule provides a period of time for an employee to provide requested medical documentation. It does not change the fact that employees are held accountable for their attendance, it only provides a time period for which they have to provide requested medical documentation.