§ 630.1211 Health benefits.

An employee enrolled in a health benefits plan under the Federal Employees Health Benefits Program (established under chapter 89 of title 5, United States Code) who is placed in a leave without pay status as a result of entitlement to leave under §630.1203(a) of this part may continue his or her health benefits enrollment while in the leave without pay status and arrange

shall not suffer the loss of any employment benefit accrued prior to the date on which the leave commenced.

(d) Except as otherwise provided by or under law, a restored employee shall not be entitled to—

(1) The accrual of any employment benefits during any period of leave; or
(2) Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(e) For the purpose of applying paragraph (d) of this section, the same entitlements and limitations in law and regulations that apply to the position, pay, benefits, status, and other terms and conditions of employment of an employee in a leave without pay status shall apply to any employee taking leave without pay under this part, except where different entitlements and limitations are specifically provided in this subpart.

(f) An employee is not entitled to be returned to the same or equivalent position under paragraph (a) of this section if the employee would not otherwise have been employed in that position at the time the employee returns from leave.

(g) An agency may not return an employee to an equivalent position where written notification has been provided that the equivalent position will be affected by a reduction in force if the employee's previous position is not affected by a reduction in force.

(h) As a condition to returning an employee who takes leave under §630.1203(a)(4), an agency may establish a uniformly applied practice or policy that requires all similarly-situated employees (i.e., same occupation, same serious health condition) to obtain written medical certification from the health care provider of the employee that the employee is able to perform the essential functions of his or her position. An agency may not require a medical certification to return to work during the period the employee takes leave intermittently or under a reduced leave schedule under §630.1205.

(i) If an agency requires an employee to obtain written medical certification under paragraph (h) of this section before he or she returns to work, the agency shall notify the employee of this requirement before leave commences, or to the extent practicable in emergency medical situations, and pay the expenses for obtaining the written medical certification. An employee's refusal or failure to provide written medical certification under paragraph (h) of this section may be grounds for appropriate disciplinary or adverse action, as provided in part 752 of this chapter.

(j) An agency may require an employee to report periodically to the agency on his or her status and intention to return to work. An agency's policy requiring such reports must take into account all of the relevant facts and circumstances of the employee's situation.

(k) An employee's decision to invoke FMLA leave under §630.1203(a) does not prohibit an agency from proceeding with appropriate actions under part 432 or part 752 of this chapter.

(l) An employee who does not comply with the notification requirements in §630.1207 and does not provide medical certification signed by the health care provider that includes all of the information required in §630.1208(b) is not entitled to family and medical leave.
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§ 630.1301 Purpose and applicability.

(a) Purpose. The purpose of this subpart is to establish procedures and requirements for a reservist leave bank program in Executive agencies under which an employee may contribute unused accrued annual leave to a leave bank established for Executive agencies to provide annual leave to reservists who become unavailable for employment as a result of a call to active duty.

§ 630.1302 Application.

(a) In general. This subpart applies to Executive agencies.

§ 630.1303 Definitions.

(a) Agency means a Federal Executive agency.

§ 630.1304 Reservation and establishment of a leave bank.

(a) Authorization. The President may authorize an Executive agency to establish a leave bank.

§ 630.1305 Contributions.

(a) Contributions by employees. Employees of an Executive agency may make contributions to a leave bank established under § 630.1304.

(b) Contributions by agencies. Agencies may make contributions to a leave bank established under § 630.1304.

§ 630.1306 Use of leave bank.

(a) Use of leave bank. An Executive agency may use leave bank contributions from a reservation agency for the purpose of granting annual leave to a reservist.

(b) Use of leave bank in the absence of contributions. In the absence of contributions, an Executive agency may use leave bank contributions from a reservation agency for the purpose of granting annual leave to a reservist.

§ 630.1307 Administration of leave bank.

(a) Administration by reservation agency. An Executive agency may administer the leave bank established under § 630.1304.

(b) Administration by reservation agency in the absence of contributions. In the absence of contributions, an Executive agency may administer the leave bank established under § 630.1304.

§ 630.1308 Reporting.

(a) Reporting to OPM. An Executive agency may report on the use of leave bank contributions from a reservation agency.

(b) Reporting to Congress. An Executive agency may report on the use of leave bank contributions from a reservation agency.

§ 630.1309 Termination of leave bank.

(a) Termination by the agency. An Executive agency may terminate a leave bank established under § 630.1304.

(b) Termination by the President. The President may terminate a leave bank established under § 630.1304.

§ 630.1310 Other provisions.

(a) Other provisions. Other provisions of this chapter apply to this subpart.