

LABOR RELATIONS



February 9, 2000

Mr. William Burnus
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

Dear Bill:

This is in response to your January 12, 2000 letter regarding the interpretation of Postal policy concerning recertification of FMLA conditions.

The request arises because you have been informed that "local managers are interpreting the Family and Medical Leave Act to require that employees must recertify FMLA conditions each FMLA leave year. This means that employees who certified during calendar year 1999 who suffer from the same serious health condition are being required to recertify in the year 2000."

Pursuant to Public Law 103-3, 29 U.S.C. 2613(3), SUBSEQUENT RECERTIFICATION.
-The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis."

Therefore, we are in agreement that employees should not be required to automatically provide recertification for a serious health condition simply because the leave year has ended and a new leave year has begun. Managers should refer to 29 CFR Part 825.308 for the circumstances and the time frame under which recertifications may be required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doug A. Tulino".

Doug A. Tulino
Manager
Labor Relations Policies and Programs