

The National Council of Social Security Management Associations, Inc.

**THE WASHINGTON REPORT
LEGISLATIVE REPORT 10-2000**

May 11, 2000

- **Limitation on Administrative Expenses**

Yesterday (May 10th) both the House and Senate Appropriations Subcommittees on Labor-Health and Human Services marked up their Fiscal Year 2001 bills.

With regard to the Limitation on Administrative Expenses account, both the Senate and House provided modest increases over the Fiscal Year 2000 funding levels, but less than requested by the Administration.

The actual numbers are as follows:

	2000	President's Request	Subcommittee Recommendation	Difference Subcomm./2000	Difference Subcomm./Pres.
House	\$6,572,036,000	\$7,134,000,000	\$6,978,036,000	\$406,000,000	\$155,964,000
Senate	\$6,572,036,000	\$7,134,000,000	\$7,010,800,000	\$438,764,000	\$123,200,000

Both the House and Senate were operating under somewhat restrictive budget allocations and House Subcommittee Chairman John Porter (R-IL) referred to his bill as "very very lean." Both Subcommittees have sent their bills to the full House and Senate Appropriations Committees for consideration in the near future.

- **Hearing on Social Security Representative Payees**

Attached is the report from the May 4th hearing held by the House Ways and Means Subcommittee on Social Security. The hearing addressed Social Security representative payees. Steve Korn is preparing a response to the committee regarding issues raised at the hearing.

- **OPM issues final revisions to the Family and Medical Leave Act of 1993**

On May 8th, OPM issued revisions to the Family and Medical Leave of Act of 1993 which will take effect June 7th. The act provided eligible federal employees with a total of 12 administrative work weeks of unpaid leave annually under the following conditions: birth of a child and care of a newborn; adoption or foster care duties; care of a spouse, child, or parent with a serious health condition; or personal serious health condition.

OPM's revisions include:

- All federal employees are responsible for notifying their agencies prior to taking medical leave. If an employee is physically or mentally incapable of notifying their employers on the day of an emergency they can retroactively invoke leave within 2 workdays after returning to work, if they include written medical documentation.
- When possible, employees must provide at least 30 days notice. In emergencies, employees need to "provide notice within a reasonable period of time appropriate to the circumstances involved." OPM noted that even without notification, the leave cannot be denied or delayed: "Since the law and current regulations require notification of the need for FMLA leave and allow flexibility for emergency situations, no substantive changes were made in the final regulations."
- Employees must submit medical certification of a serious health condition (pregnancy and prenatal care fall under the definition of a "serious health condition") no later than 15 calendar days after the date the agency requests it. If circumstances are beyond the employee's control another 15 days are granted. If documentation is not provided within 30 days, the time off will be counted as annual leave, sick leave or leave without pay.
- Other than medical documentation, employees are not required to submit any additional evidence demonstrating a serious health condition. If an agency suspects employee fraud, it can contact its OIG.
- Holidays and non-work days falling during the period of leave will not be counted toward the 12-week entitlement.
- Although employees can use their annual and sick leave on top of their FMLA, OPM notes that annual leave is subject to the supervisor's approval and suggests communication between supervisors and employees regarding the best course of action.

OPM is also working on regulations which will allow employees to take up to 12 weeks of accrued paid sick leave for family needs.

- **House passes long-term care insurance bill**

On May 9th, the house passed the "Long-Term Care Security Act" (H.R. 4040). The legislation was introduced in March by Rep. Joe Scarborough (R-Fla.), chairman of the House Government Reform and Oversight Subcommittee on the Civil Service. The legislation offers long-term care insurance for civilian and military federal employees and retirees.

The bill directs OPM to invite bids from private insurers to offer coverage for employees, their spouses and children, and other close relatives, at discounted group rates (expected to be discounted as much as 20 percent). Employees and their eligible family members would pay the premiums. OPM will screen insurance providers and make sure employees receive information

on insurance options and benefits. The insurance would cover the medical costs of extended illness, including home health care, nursing home care, and care in assisted living facilities.

The legislation now moves to the Senate for consideration. President Clinton is expected to sign the bill if it passes both the House and Senate.

- **Final Thought from Capitol Hill**

"Us geezers have Web sites, too."

-- House Majority Leader Arney, speaking at a news conference May 10th to unveil the House Republicans' "eContract 2000" plan for addressing high tech issues.

The Washington Report

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