



# Office of Human Capital

U.S. Department of the Interior

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## Paid Parental Leave Policy FAQs

These questions and answers accompany the Department's paid parental leave policy, Personnel Bulletin 20-13, which is effective on October 1, 2020.

If you have any additional questions, please contact your servicing Human Resources Office.

## Paid Parental Leave Entitlement and Usage

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### 1. What is paid parental leave?

The Federal Employee Paid Leave Act, which was signed into law in December 2019, amended the Family and Medical Leave Act (FMLA) provision in Title 5 of the United States Code (U.S.C.) to provide up to 12 weeks of paid parental leave to covered Federal employees in connection with the birth or placement (for adoption or foster care) of a child occurring on or after October 1, 2020. Paid parental leave may be used only during the 12-month period following the birth or placement of the child. The paid parental leave is available only if the employee has a continuing parental role with respect to the child whose birth or placement triggered the leave entitlement.

### 2. Who is eligible for paid parental leave?

In order to use paid parental leave, employees must be eligible for FMLA coverage under Title 5 U.S.C. § 6381 and meet the requirements of 5 CFR 630.1201.

- To be eligible for FMLA, employees must have completed at least 12 months of Federal service as set forth in 5 CFR 630.1201(b)(1)
- FMLA eligibility does not extend to employees serving under a temporary appointment with a time limitation of 1 year or less or an intermittent employee as defined in 5 CFR 340.401(c).

### 3. An employee has given birth to a child on September 30, 2020. Will she be eligible for paid parental leave on October 1, 2020?

No. Paid parental leave is available to eligible employees only in connection with the birth or placement (for adoption or foster care) of a child **that occurs on or after October 1, 2020**. If the employee gives birth on September 30, 2020, there is no entitlement for any paid parental leave; she would not pick up coverage beginning October 1, 2020.



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## **4. Can paid parental leave be taken intermittently during the 12 months after the birth or placement of a child?**

Paid parental leave is provided via substitution for FMLA unpaid leave. In the case of FMLA unpaid leave based on the birth or placement of a child, an employee may not use FMLA unpaid leave intermittently unless the agency agrees. Accordingly, paid parental leave may be used intermittently—**only if the supervisor agrees**.

## **5. Is an employee required to use his or her annual leave or sick leave before requesting paid parental leave?**

No. An agency may not require an employee to use his or her accrued annual leave or sick leave before requesting paid parental leave.

## **6. I currently work a part-time schedule. How much paid parental leave will I receive?**

Eligible employees working part-time schedules may use paid parental leave. For employees who use leave on an hourly basis (including fractions of an hour), the 12-week paid parental leave entitlement will be converted to hours based on the employee's scheduled tour of duty. For example, for a part-time employee who works 20 hours over a biweekly pay period, the entitlement will be 240 hours (12 weeks x 20 hours).

## **7. I currently work a seasonal work-schedule. May I use paid parental leave during my off-season period?**

No. An employee with a seasonal work schedule may not use paid parental leave during the off-season period designated by the bureau/office—the period during which the employee is scheduled to be released from work and placed in non-pay status.

## **8. My spouse works for the Bureau of Land Management and I work for the National Park Service. We are expecting a baby in November 2020. Are we each entitled to 12 weeks of paid parental leave?**

Yes. Each eligible parent-employee has a separate 12-week paid parental leave entitlement. It is also worth noting that paid parental leave is available only if the employee has a continuing parental role with respect to the child whose birth or placement triggered the leave entitlement. In addition, the use of paid parental leave is reserved for periods when the employee is engaged in activities directly related to the care of the child whose birth or placement triggered the leave entitlement.



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## 9. An employee delivers twins on January 6, 2021. How much paid parental leave may the employee receive?

If an employee has multiple children born or placed on the same day, that event is considered to be a single event that initiates a single entitlement of up to 12 weeks of paid parental leave during the 12-month period following the birth or placement event.

## 10. What documentation, if any, does an employee need to provide to use paid parental leave?

When requesting paid parental leave, an employee must provide appropriate documentation that shows that the employee's use of paid parental leave is directly connected to a birth or placement that has occurred. Examples of appropriate documentation are provided below.

For paid parental leave due to childbirth, employees may provide one of the following documents:

- Birth certificate
- Document naming employee as second parent, such as declaration of paternity or court order of filiation
- Appropriate court documents
- Consular report of birth abroad
- Documentation provided by the child's healthcare provider
- Hospital admission form associated with the delivery

For paid parental leave due to adoption, employees may provide one of the following documents:

- Documentation provided by the adoption agency confirming the placement and date of placement
- Letter signed by the parent's/parents' attorney confirming the placement and date of placement
- Immigrant visa for the child issued by U.S. Citizenship and Immigration Services
- Adoptive placement agreement
- Independent adoption placement agreement (i.e., an agreement between the birth parents and the adoptive parents that a private or open adoption should go forward—generally, there is no adoption agency involved.)

For paid parental leave due to foster care, employees may provide one of the following documents:



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- Foster care placement record
- Other documentation from the foster care agency confirming the placement and date of placement
- Foster care placement letter issued by the relevant local department of social services or authorized voluntary foster care agency.

## Pay During Paid Parental Leave

### 11. Will an employee receive full pay or a percentage of their current pay for paid parental leave taken?

Consistent with 5 CFR 630.1704, the pay an employee receives when using paid parental leave will be the same pay the employee would receive if the employee were using annual leave. However, the pay received during paid parental leave may not include Sunday premium pay.

## Coding the Use of Paid Parental Leave

### 12. How do I code my use of paid parental leave in the timekeeping system?

The Department of the Interior's payroll provider, Interior Business Center (IBC), is working diligently to update the programming of our timekeeping and payroll systems to address the new paid parental leave entitlement and estimates that the final programming will be completed no sooner than April 2012. Until that programming is completed, employees must charge their time using the following pay codes and associated payroll remarks:

Type of Paid Parental Leave Used	Pay Code	Pay Code Description	Payroll Remarks
Placement of Adoption	08A	Restored A/L for FMLA Adopt - Used	PPL Adoption Occurrence #
Placement of Foster Care	08A	Restored A/L for FMLA Adopt- Used	PPL Foster Care Occurrence #
Birth	08B	Restored A/L for FMLA Birth - Used	PPL Birth Occurrence #

Once the new pay codes for the paid parental leave are available, employees will need to submit corrected time sheets. When corrected time sheets are received, the IBC will reverse the restored annual leave (A/L) advances.



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## Paid Parental Leave Work Obligation

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### 13. What service obligation must an employee fulfill in order to use paid parental leave?

Prior to using paid parental leave, an employee is required to enter a written service agreement to work for the employing agency (i.e., the agency employing the employee at the time paid parental leave concludes) for 12 weeks after the day on which paid parental leave concludes. The 12-week work obligation refers to a period during which the employee is in a duty status. Any periods of paid or unpaid leave or time off, or other periods of nonduty status (e.g., furlough or absence without leave) will not count toward the 12-week work obligation:

### 14. When does the 12-week work obligation start?

The 12-week work obligation starts after the day on which the paid parental leave concludes, which is:

- The workday on which the employee finishes using the 12 workweeks of paid parental leave; or
- If the employee uses less than 12 workweeks of paid parental leave during the 12-month period following the birth or placement of a child, the last workday on which the employee used paid parental leave in connection with the given child.

### 15. I only used six weeks of paid parental leave. Am I required to work the full 12 weeks following the end of my leave entitlement?

Yes. The 12-week work obligation is statutorily fixed and applies regardless of the actual amount of paid parental leave used (i.e., an employee who uses less than 12 weeks of paid parental leave would still be obligated to work 12 weeks following the completion of the leave).

### 16. What are the consequences of not completing the 12-week work obligation?

Failure to complete the 12-week work obligation will result in an employee being required to reimburse the Department unless, in the agency's judgement, the employee is unable to return to work for the required 12 weeks because of 1) the continuation, recurrence, or onset of a serious health condition of the employee (that is related to the applicable birth or placement) or the child whose birth or placement was the basis for the paid parental leave; or 2) any other circumstance beyond the employee's control (e.g., situation where a parent chooses to stay home because a child has a serious health condition; an employee moves because the employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite).



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The reimbursement is equal to the total amount of any Government contribution the agency paid to maintain the employee's health insurance coverage under the Federal Employees Health Benefits Program during the period that paid parental leave was used. The reimbursement will be the full amount. There is no authority for a partial waiver of the amount owed.

## Other Leave Options for Expectant Parents

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### 17. What other leave flexibilities are available to expectant parents?

In addition to paid parental leave, the Federal Government offers various other leave flexibilities to assist an employee in balancing his or her work and family life related to pregnancy and childbirth. An employee who is pregnant needs time off from work for her own pregnancy-related issues and recovery from childbirth, or to care for and bond with her baby. An employee may need time off from work to care for a spouse who is pregnant or has just given birth, or to care for and bond with his or her baby. Some of those leave flexibilities may include FMLA leave, sick leave, advanced sick leave, annual leave, advanced annual leave, donated leave received via the Voluntary Leave Transfer program, and leave without pay. An employee's eligibility for these various leave flexibilities is fact-specific—employees are encouraged to discuss all of the leave and schedule options available to them with their servicing Human Resources Office.

**If you have any additional questions, please contact your servicing Human Resources Office.**