



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

May 10, 2023

Memorandum

To: Human Capital Officers
Human Resource Directors
Human Resource Officers

From: Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Subject: Parental Bereavement Leave

This memorandum acknowledges the new Parental Bereavement Leave entitlement and provides guidance on using the newly implemented Parental Bereavement Leave pay codes available in the Federal Personnel and Payroll System (FPPS).

Background

The National Defense Authorization Act for Fiscal Year 2022 established a new paid leave entitlement for most Federal civilian employees (Section 1111 of Public Law 117-81). This new paid leave benefit is codified in a new section 6329d in Title 5 of the United States Code. Under section 6329d, covered Federal employees are entitled to 2 workweeks of Parental Bereavement Leave in connection with the death of an employee's qualifying child. This new provision became effective on the date of enactment, December 27, 2021. On April 1, 2022, the Office of Personnel Management (OPM) provided detailed [guidance](#) to support consistent implementation of this new provision.

Parental Bereavement Leave

Parental Bereavement Leave is a new, stand-alone type of paid leave entitlement that is administered independently from any other type of leave, including sick leave, to make arrangements necessitated by the death of a family member or to attend the funeral of a family member. Frequently Asked Questions are provided as an attachment to this memorandum.

Pay and Leave Codes

On April 5, 2022, the Interior Business Center (IBC) implemented an [Interim Solution for Parental Bereavement Leave](#) while the permanent pay codes were developed. On April 14, 2023, IBC released the [permanent Parental Bereavement Leave pay codes](#):

- PB4 – Parental Bereavement Leave (1st Occurrence)
- PB5 – Parental Bereavement Leave (2nd Occurrence)
- PB6 – Parental Bereavement Leave (3rd Occurrence)
- PB7 – Parental Bereavement Leave (4th Occurrence)
- PB8 – Parental Bereavement Leave (5th Occurrence)

Effective immediately, the interim solution should be discontinued, and the new Parental Bereavement Leave pay codes should be used as applicable and appropriate. Time and attendance records using the interim solution may require correction to reflect the new Parental Bereavement Leave pay codes.

Any Department employee or employee representative seeking further information concerning this memorandum may contact their Servicing Human Resource Office (SHRO). SHROs may contact Joy Buhler, Work/Life Benefits Program Manager in the Office of Human Capital, at Joy_Buhler@ios.doi.gov.

Attachment
Frequently Asked Questions

**Office of Human Capital
Parental Bereavement Leave
Frequently Asked Questions**

GENERAL INFORMATION

Q: What is Parental Bereavement Leave?

A: Parental Bereavement Leave is a new type of leave that provides eligible employees two workweeks (up to 80 hours) of paid leave in connection with the death of a qualifying child. The death of an employee's child triggers the law's one-time entitlement to 2 workweeks of Parental Bereavement Leave, which must be used within 12 months of the child's death.

Q: What does the death of a "qualifying" child mean?

A: To be eligible, your child must be under the age of 18, or 18 and older and incapable of selfcare because of a mental or physical disability.

Eligible employees receive 2 workweeks of Parental Bereavement Leave in connection with the death of their qualifying son or daughter. To be eligible for Parental Bereavement Leave, the term "son or daughter" has the meaning given that term in the Family and Medical Leave Act (FMLA) law at 5 U.S.C. 6381(6), as further described in OPM regulations in 5 CFR 630.1202. Son or daughter means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is:

- a. Under 18 years of age; OR
- b. 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc. A "physical or mental disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in 29 CFR 1630.2 (h), (i) and (j).

The term "adopted child" must be interpreted consistent with the definition of "adoption" in 5 CFR 630.1202, except that it includes a child who has been placed with an employee for the purpose of adoption pending finalization of the adoption process. The term "foster child" must be interpreted consistent with the definition of "foster care" in 5 CFR 630.1202. The term "in loco parentis" has the meaning given that term in 5 CFR 630.1202.

Q: Does the leave entitlement in this policy extend to unborn or stillborn children?

A: Yes. The plain language of the relevant statutory and regulatory authorities governing Parental Bereavement Leave includes bereavement leave connected with the death of unborn and

stillborn children.

Q: Can Parental Bereavement Leave be used retroactively?

A: Yes. Corrected timesheets may be submitted retroactively in connection with the death of an eligible employee's qualifying child on or after December 27, 2021. However, an employee may not use Parental Bereavement Leave before December 27, 2023, the date of enactment of [Public Law 117-81](#).

Q: Do I have to provide documentation?

A: Your supervisor may require a written self-certification or death certificate to verify that the requested Parental Bereavement Leave is being used for bereavement purposes. In any case where the need for leave is foreseeable (e.g., if taking the leave intermittently), you must provide advance notice to the extent practicable.

If requesting to use Parental Bereavement Leave intermittently and your supervisor approves, you may schedule the leave in such a way that you work partial workdays or schedule other types of paid leave or other paid time off on the same workday (e.g., sick leave for some hours and bereavement leave for other hours).

ELIGIBILITY

Q: If I am a temporary employee, am I eligible for Parental Bereavement Leave?

A: If you are serving under a temporary not-to-exceed 1 year appointment, then you are not eligible for Parental Bereavement Leave.

RELATIONSHIP TO OTHER LEAVE

Q: Does Parental Bereavement Leave affect my sick leave balance?

A: No. Parental Bereavement Leave is a new, stand-alone type of paid leave entitlement that is administered independently from any other type of leave, including sick leave. An employee is entitled to use sick leave for family care and bereavement purposes to make arrangements necessitated by the death of the employee's child or to attend the child's funeral. Parental Bereavement Leave is used for the broader purpose of bereavement and does not affect the accrual or balances of your other paid time off.

Q: Is Parental Bereavement Leave the same as FMLA?

A: No. Even though it links to certain statutory terms in the FMLA, Parental Bereavement Leave is not authorized under the FMLA. Parental Bereavement Leave and FMLA are separate and distinct. Also, Parental Bereavement Leave may not be substituted for unpaid FMLA leave. Agencies should accommodate employee requests to use FMLA leave, sick leave, and Parental Bereavement Leave, as appropriate (e.g., in the event that a child dies during the post birth recovery period for an employee who gave birth to the child, the employee may be able to use FMLA leave, sick leave, or bereavement leave).

Q: Can I use a combination of Parental Bereavement Leave, FMLA unpaid leave, and sick leave, as appropriate?

A: Yes. Bureaus/Offices should accommodate requests to use FMLA unpaid leave, sick leave,

and bereavement leave in combination (for different hours that may or may not be adjacent), as appropriate.

LEAVE ENTITLEMENT

Q: How many hours of parental bereavement leave does an employee receive?

A: Parental bereavement leave is a one-time entitlement and eligible employees receive a total of 2 workweeks or Parental Bereavement Leave because of the death of a qualifying son or daughter of the employee.

- A full-time employee receives 80 hours.
- A part-time employee receives the number of hours over a biweekly pay period based on their scheduled tour of duty established for leave charging purposes (e.g., if a parttime employee's scheduled tour of duty was 32 hours in a biweekly pay period, the leave entitlement would be 32 hours).
- A full-time employee with an uncommon tour of duty, the hours equivalent of 2 workweeks is equal to the number of hours in the employee's biweekly scheduled tour of duty (e.g., if the employee's uncommon tour consists of six 24-hour shifts (144 hours) per biweekly pay period, the leave entitlement would be 144 hours).

Q: Are there any circumstances in which an eligible employee would not be entitled to Parental Bereavement Leave?

A: An employee is not entitled to bereavement leave if the employee is found by proper authority to have deliberately caused the death of the child whose death gave rise to the potential entitlement. Any bereavement leave that was provided to the employee prior to the finding of culpability must be retroactively canceled.

Q: When does the 12-month period begin?

A: The 12-month period begins on the date of the death of the employee's child and continues for 12 months. After that 12-month period expires, another 12-month period will not begin unless there is another later use of Parental Bereavement Leave based on another child's death. If an employee endures the death of a second child during that 12-month period, they effectively have two overlapping periods where they are eligible for Parental Bereavement Leave, but any time off taken during the overlap will count against the 2-week limit for both periods.

Q: Can a seasonal employee take Parental Bereavement Leave during their off season?

A: You must use Parental Bereavement Leave during your scheduled hours within your tour of duty established for leave-charging purposes when you would otherwise be working or using other paid leave. If you are a seasonal employee, you are not eligible during the off-season when you are placed in nonduty/non-pay status. (See 5 CFR 340.401-402)

- A seasonal employee may not use bereavement leave during off-season periods.
- An employee may not use bereavement leave during furlough periods.
- An employee may not use bereavement leave during a period of suspension.
- An employee who is on leave without pay for service in the uniformed services ("Absent-US") may not use bereavement leave during periods of service in the uniformed services.

(Only the types of civilian leave specified in 5 CFR 353.208 may be used during service in the uniformed services.)

- An employee may not use bereavement leave during a period of separation from Federal service (i.e., the employee must be currently employed).

TRANSFER/SEPARATION

Q: If I have not used the full 2 workweeks and I transfer to another agency, does the unused balance transfer with me?

A: Yes. If you have an unused balance of Parental Bereavement Leave and you transfer between eligible positions your unused balance also transfers with you if you are within the 12-month eligibility period.

Q: If I transfer to a different agency, will I receive an additional 2 workweeks of Parental Bereavement Leave?

A: No. Employees receive a total of 2 workweeks in connection with the death of a qualifying child. You will not receive an additional 2 workweeks if you transfer to a different agency. The gaining agency must determine whether a newly hired or transferred employee is within a 12-month period based on the date of death of the employee's child, and, if so, how many hours of bereavement leave the employee has already used. The Interior Business Center's Payroll Operation Branch will notate Parental Bereavement Leave on a Standard Form 1150, Record of Leave Data, for a transferring employee who is in the middle of a bereavement leave 12-month period in the Remarks section (block 24) and the aggregate amount of bereavement leave used by the employee (as of the time of transfer).

Q: Can I receive a lump sum payment for any unused Parental Bereavement Leave?

A: No. A cash payment may not be made for unused Parental Bereavement Leave at any time (including transfer to another agency or separation from Federal service). If you separate, then the unused amount of leave is lost unless you return to an eligible Federal position within the 12-month eligibility period.