



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PERSONNEL BULLETIN NO: 20-13

SUBJECT: Paid Parental Leave

1. Purpose. This Personnel Bulletin (PB) establishes the policy guidelines and requirements for implementing paid parental leave within the Department of the Interior (DOI or Department).

2. Effective Date. This policy is effective on October 1, 2020. Paid parental leave is available to covered 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.

3. Authorities.

- A. Title 5 of the United States Code (U.S.C), Chapter 63, Subchapter V
- B. Subtitle A of Title LXXVI of the National Defense Authorization Act for Fiscal Year 2020, Pub. L 116-92, December 20, 2019 (“Federal Employee Paid Leave Act”)
- C. Part 630 of Title 5 Code of Federal Regulations (CFR)

4. Background. 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 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. The U.S. Office of Personnel Management (OPM) issued interim regulations (5 CFR 630 Subpart Q) to implement the new paid parental leave provisions, which are effective on October 1, 2020. Paid parental leave granted in connection with a qualifying birth or placement is substituted for unpaid FMLA leave and is available during the 12-month period following the birth or placement.

5. Coverage. This policy applies to DOI employees eligible for FMLA coverage under Title 5 U.S.C. § 6381 and meet the requirements of 5 CFR 630.1201.

- (a) 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);
- (b) 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).

6. Definitions.

A. Adoption. A legal process in which an individual becomes the legal parent of another's child. The source of an adopted child—e.g., whether from a licensed placement agency or otherwise—is not a factor in determining eligibility for paid parental leave.

B. Birth. Delivery of a living child. ***Paid parental leave may not be granted for time off needed prior to the birth of the child.***

C. FMLA Unpaid Leave. An employee's entitlement to 12 administrative workweeks (or 26 administrative workweeks in the case of leave under 5 CFR §630.1203(j)) of unpaid leave for certain family and medical needs, as prescribed under sections 6381 through 6387 of Title 5 U.S.C.

D. Foster Care. 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family to take the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

E. Paid Parental Leave. Paid time off from an employee's scheduled tour of duty that is authorized under 5 U.S.C. § 6382(d)(2)(B)(i) and subpart Q of 5 CFR Part 630 and that is granted to cover periods of time within the 12-month period commencing on the date of birth or placement to an employee who has a current parental role in connection with the child whose birth or placement was the basis for granting FMLA unpaid leave under 5 CFR § 630.1203(a)(1) or (2). ***This leave is not available to an employee who does not have a current parental role.***

F. Placement. A new placement of a child with an employee for adoption or foster care. For example, this excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with an adopting parent. ***Paid parental leave may not be granted for time off needed prior to the placement of the child.***

G. Scheduled Tour of Duty. The regular work hours in an established full-time or part-time work schedule during which an employee is charged leave or time off when absent. A seasonal employee is not considered to have such a tour during off-season periods when the employee is released from work and placed in full-time non-pay status.

7. Responsibilities.

A. Deputy Assistant Secretary for Human Capital and Diversity. The Deputy Assistant Secretary for Human Capital and Diversity is responsible for overseeing the administration of the paid parental leave program at DOI.

B. Servicing Human Resources Offices. Servicing Human Resources Offices (SHROs) are responsible for:

- (1) Informing employees of their entitlements and their obligations regarding paid parental leave;
- (2) Providing assistance and guidance to Bureau/Office supervisors on administering and managing paid parental leave;
- (3) Maintaining any medical documentation provided by the employee that certifies the birth or placement of a child; and
- (4) Maintaining any written service agreements completed by employees.

C. Supervisors. Supervisors are responsible for:

- (1) Ensuring employees follow procedures for requesting paid parental leave and provide documentation as referenced in Section 9 of this PB;
- (2) In consultation with the SHRO, determining whether documentation employee provides in support of a request for paid parental leave is appropriate;
- (3) Maintaining an accurate record of an employee's usage of paid parental leave;
- (4) Maintaining any requests for paid parental leave submitted by the employee; and
- (5) Consulting with SHRO if employees fail to complete his or her work obligation as referenced in Section 11 of this PB.

D. Employees. Employees requesting paid parental leave are responsible for:

- (1) Invoking FMLA and indicating their election to substitute paid parental leave for FMLA unpaid leave;
- (2) Accurately coding any paid parental leave used in the applicable timekeeping system;
- (3) Providing proper documentation in support of a request for paid parental leave in a timely manner as referenced in Section 9 of this PB; and
- (4) Fulfilling the statutory work obligation referenced in Section 10 of this PB.

8. Paid Parental Leave Entitlement. The entitlement to 12 administrative workweeks of paid parental leave is triggered by the occurrence of a birth or placement of a 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. 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.

A. Usage. An employee must invoke FMLA unpaid leave for the birth of a child or placement of a child with the employee for adoption or foster care and indicate their election to substitute paid parental leave for the unpaid leave. A sample form for indicating the election of paid

parental leave is provided in Appendix 1. Paid parental leave may be used only during the 12-month period following the birth or placement of the child. For employees who experience multiple birth or placement events within the same 12-month period, see Section 8.D. 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 nonpay status. There are no carryover provisions for any unused paid parental leave. An employee may not be paid for unused or expired paid parental leave. In addition, the employee may not use paid parental leave before the child is born or placed. If the supervisor agrees, an employee may elect to use paid parental leave on an intermittent basis.

B. Existing FMLA Leave. Since an employee may use only 12 weeks of FMLA unpaid leave in any 12-month period, use of FMLA unpaid leave for a purpose other than birth or placement may affect an employee's ability to use the full 12 weeks of paid parental leave during the 12-month period following the birth or placement. An employee will be able to use the full amount of paid parental leave for a birth or placement only to the extent that there are 12 weeks of available FMLA unpaid leave based on that specific birth or placement.

C. Conversion of Leave to Hours. 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 regular full-time employee, the entitlement will be 480 hours (12 weeks x 40 hours), and, for a half-time employee, the entitlement will be 240 hours (12 weeks x 20 hours). For a full-time employee with an uncommon tour of duty, the hours equivalent of 12 administrative workweeks is derived by multiplying 6 times the number of hours in the employee's biweekly scheduled tour of duty (or 6 times the average hours if the biweekly tour hours vary over an established cycle). For example, if an employee has an uncommon tour consisting of six 24-hours shifts (144 hours) per biweekly pay period, the amount would be 864 hours.

D. Multiple Births or Placement Events.

(1) If an employee has multiple children born or placed on the same day, that event will be treated as a single event triggering a single entitlement of up to 12 weeks of paid parental leave during the 12-month period following the event.

(2) If an employee has one or more children born or placed during the 12-month period following the date of an earlier birth or placement, each subsequent birth or placement event will generate a 12-week entitlement to be used during the 12-month period following the birth or placement; however, any use of paid parental leave during an overlap period (i.e., period contained within more than one 12-month period following a birth or placement) will count toward the 12-week limit for each birth or placement involved.

9. Required Documentation. When requesting paid parental leave, employees 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 listed below. Employees must provide this documentation no later than 15 calendar days after

the request. If it is not practical for the employee to respond within the 15-day time frame, despite the employee's diligent, good faith efforts, the employee must provide the documentation no later than 30 calendar days after the original request.

A. Childbirth. Employees may provide one of the following documents to satisfy the documentation requirement:

- 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

B. Adoption. Employees may provide one of the following documents to satisfy the documentation requirement:

- 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.)

C. Foster Care. Employees may provide one of the following documents to satisfy the documentation requirement:

- 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

10. Work Obligation. Prior to using paid parental leave, an employee is required to enter into a written service agreement to work for DOI for not less than 12 weeks after the day on which the paid parental leave concludes, which day is:

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

Appendix 2 of this PB provides a sample written service agreement Bureaus/Offices may to fulfill this requirement. The 12-week work obligation is statutorily fixed and applies regardless of the actual amount of leave used (i.e., an employee who uses less than 12 weeks of paid parental leave would still be obligated to work 12 weeks). Any periods of work between intermittent uses of paid parental leave do not count toward completion of the 12-week work obligation. The work obligation is met by performing work after use of paid parental leave concludes. The 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.

If an employee transfers from DOI to another agency (e.g., Department of Justice) while using paid parental leave in connection with a birth or placement, the work obligation will be owed to the agency employing the employee at the time use of paid parental leave concludes. That agency will be responsible for documenting whether the employee fulfills the work obligation. Each agency that incurred costs for the employee's health insurance during use of paid parental leave will make its own determination about whether to apply the reimbursement requirement.

11. Failure to Complete the Work Obligation. Failure to complete the 12-week work obligation will result in an employee being required to make a reimbursement to the Department unless one of the exceptions in Section 11.A. applies. 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.

A. Exceptions. A Bureau/Office may not require the reimbursement if, in the Assistant Secretary's judgment, 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 (including mental health) of the employee or the child whose birth or placement was the basis for the paid parental leave, but, in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement; 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).

Before a Bureau/Office makes a determination to waive the reimbursement, it may require supporting certification by a healthcare provider if:

- (1) The employee claims a serious health condition (of the employee or the child whose birth or placement entitled the employee to paid parental leave) makes him or her unable to fulfill the necessary work requirement; or

(2) Another individual's health condition prevents the employee's fulfillment of the work requirement.

12. Labor-Management Obligations. Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

13. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact their SHRO. SHROs may contact the Department's Office of Human Capital concerning questions related to this policy.

Jennifer Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Attachments

Appendix 1: Sample Paid Parental Leave Request Form

Paid Parental Leave (PPL) Request Form		
Identifying Information		
Employee name		
Phone number	Email addresses	
Name of organization (bureau, office, division, branch, etc.)		
Plans for Substituting Paid Parental Leave (PPL) for FMLA Leave		
Reason FMLA leave is being requested:		
<input type="checkbox"/> Birth of a child	<input type="checkbox"/> Placement for adoption	<input type="checkbox"/> Foster care placement
	Anticipated	Actual
Date of birth or placement		
Date use of PPL begins		
Date use of PPL concludes		
Date of planned return to duty (after use of other types of leave)		
Requested method of using PPL:	<input type="checkbox"/> Continuous use	<input type="checkbox"/> Intermittent use*
*Reason(s) intermittent leave is being requested:		
*Describe plans for using PPL on an intermittent basis:		
Employee Certifications (initial each box)		
I attest that PPL is being taken because of the birth of my child or because of placement of a child with me for adoption or foster care and that the PPL will be used in connection with my fulfillment of my parental role to care for and bond with the child.		
I will provide documentation to support this request.		
I acknowledge and understand the consequences of providing a false certification (e.g., the possibility that my bureau/office could pursue appropriate disciplinary action, up to and including removal from Federal Service, or make a referral to a Federal entity that investigates whether conduct constitutes a criminal violation).		
If I provided an anticipated date of birth or placement, I will notify my bureau/office as soon as practicable of the actual date.		
I attest that I am entering into the required work obligation agreement.		
I hereby certify that all statements made in this application are true and correct to the best of my knowledge and belief.		
Employee's Signature	Date	
Official Action on Request: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		
Supervisor's Signature	Date	

Appendix 2: Sample Agreement to Complete 12-Week Work Obligation

I, [insert employee's name], understand that the usage of paid parental leave requires that I complete a 12-week work obligation at the agency employing me at the time I conclude using paid parental leave granted in connection with the birth or placement (for adoption or foster care) of my child.

I agree to return to work and complete the required 12 weeks of work. I understand that 12 weeks of work will be converted to hours of work based on my work schedule, consistent with U.S. Office of Personnel Management (OPM) regulations at 5 CFR 630.1705.

I understand that the required 12-week work obligation is fixed and not proportionally reduced if I use less than 12 weeks of paid parental leave. I understand that only actual work periods when I am on duty (during my scheduled tour of duty) will count toward the 12-week work obligation. I understand that periods of leave (paid or unpaid) and time off (including holiday time off) **do not** count towards the completion of the 12-week work obligation.

I understand that only work performed **after** use of paid parental leave concludes counts toward the 12-week work obligation. I understand that any period(s) of work during intermittent usage of paid parental leave (i.e., work performed prior to the conclusion of the use of paid parental leave) does not count toward the 12-week work obligation.

I understand that, if I fail to return to work and fully complete the required 12-week work obligation, any agency that employed me during a period of time in which I used paid parental leave may require a reimbursement equal in amount to the total amount of any Government contributions paid by the agency(ies) on my behalf to maintain my health insurance coverage under the Federal Employees Health Benefits (FEHB) Program established under 5 U.S.C. Chapter 89 during that period of time, unless I meet statutory conditions that bar application of such a reimbursement requirement.

If I do not meet those conditions and if my bureau/office determines that reimbursement must be made, I understand that it must seek collection of the full amount and that there is no authority for a partial waiver of the amount owed.

I understand that, if I separate from the employing agency to which the 12-week work obligation is owed before completing that obligation, such separation is considered to be a failure to meet that obligation. I understand that, in that circumstance, I will not be allowed to complete the work obligation at a later time. (Note: An intra-agency reassignment without a break in service will not be considered a separation.)

If an affected agency determines that the reimbursement requirement applies, I agree to make the required reimbursement to that agency and to permit offset of Federal payments to recover the amount owed. However, I reserve the right to challenge the agency decision through any applicable administrative or judicial process and to seek return of any amounts erroneously collected from me.

Employee's Signature _____ Date: _____

Note: Employee's paid parental leave request must be attached to this work obligation agreement.