

QUICK SHEET: PAID PARENTAL LEAVE UNDER FAMILY AND MEDICAL LEAVE ACT



Background

The Federal Employee Paid Leave Act (FEPLA) recently amended the Family and Medical Leave Act (FMLA) to allow employees to take up to 12 weeks of paid parental leave (PPL) for the birth of an employee's child or the placement of a child with an employee for adoption or foster care.

Eligibility

- Employees must have at least 12 months of federal service in a part-time or full-time work schedule to be eligible. (Temporary appointments not to exceed 1 year and intermittent work schedules are not eligible).
- The qualified birth or placement (for adoption or foster care) of the employee's child must occur on or after October 1, 2020.
- An employee who is not eligible for PPL at the time of a qualifying birth or placement but becomes eligible (by completing 12 months of service or by changing to a qualified work scheduled or appointment) during the 12-month period following the qualifying birth or placement may be able to substitute PPL once eligibility has been determined.

Leave Entitlement and Usage

- Employees will request PPL through their supervisors, as they do all other leave.
- Use of FMLA leave for purposes other than the birth or placement of a child (for example, leave based on a serious health condition) during a 12-month FMLA period may reduce the PPL available for birth or placement purposes. The amount of PPL reduced due to other FMLA taken during a 12-month period may be used after the initial 12-month period which is further explained in the FAQ's.
- Each employee has a separate entitlement to PPL. If two covered employees are parents of the same newly born or placed child, both parents are entitled to PPL.
- There are no carryover provisions for any unused PPL. An employee may not be paid for unused or expired PPL.
- To use PPL, an employee must have a continuing parental role in connection with the child.
- Use of PPL is reserved for periods when an employee is acting in a parental role and engaged in activities directly related to the care of the child whose birth or placement triggered the leave entitlement. Using PPL for these purposes supports the objective of increased parent-child bonding.
- CBP will not require employees to use annual leave or sick leave before requesting PPL under FMLA.

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Documentation

At the request of the supervisor, the employee will be responsible for providing appropriate documentation that shows the employee's use of PPL is directly connected to a birth or placement that has occurred.

The table below provides examples of sufficient proof of entitlement to PPL.

Reason for Use of PPL	Examples of Appropriate Documentation
Childbirth (birth on or after October 1, 2020)	<ul style="list-style-type: none">• Birth certificate or consular report of birth abroad.• Document naming employee as second parent, such as declaration of paternity or "court order of filiation."• Appropriate court documents.• Documentation provided by the child's health care provider or hospital admission form for the delivery.
Adoption (placement on or after October 1, 2020)	<ul style="list-style-type: none">• Documentation provided by the adoption agency confirming the placement and date.• A letter signed by the parent's/parents' attorney confirming the placement and date.• A U.S. Citizenship and Immigration Services immigrant visa for the child.• The adoptive placement agreement or the independent adoption placement agreement.
Foster Care (placement on or after October 1, 2020)	<ul style="list-style-type: none">• The foster care placement record or a foster care placement letter issued by the relevant local department or social services or the authorized voluntary foster care agency.• Other documentation from the foster agency confirming the placement and date.

Service Agreements and Work Obligation

- Prior to using PPL, an employee is required to enter into a written service agreement to work for CBP for 12 weeks after the day on which PPL concludes.
- Any periods of work between intermittent uses of PPL do not count toward completion of the 12-week work obligation. The work obligation is met by performing work after use of PPL concludes.
- 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 PPL would still be obligated to work 12 weeks).

- 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, will not count toward the 12-week work obligation.
- If an employee fails to meet the required work obligation, the employee may be responsible for the reimbursement equal to the total amount of any Government contribution CBP paid to maintain the employee's health insurance coverage under the Federal Employees Health Benefit Program during the period that PPL was used.

Process for Requesting PPL

1. The employee must invoke their right to use PPL under FMLA. The employee should request to invoke their right to use PPL by either using the sample PPL document or by e-mail/memo in which similar information can be obtained. The request should give the supervisor initial information needed to conditionally make a determination on the request.
2. In addition to requesting PPL in writing, the employee will be required to sign an agreement to complete 12 weeks of work once PPL concludes.
3. Once the request for PPL is received, the supervisor may request appropriate documentation or certification, as indicated in the table above, once the qualifying event has taken place. The employee should respond within 15 calendar days, but this timeframe can be extended to 30 days after the date of the original request (documentation requirement is consistent with documentation requirements for sick leave, FMLA leave, and disabled veteran leave).
4. Once the request for PPL is given, documentation is provided, a work obligation agreement has been signed, and the supervisor gives approval for the leave, the employee is able to take PPL for up to 12 weeks.
5. Once PPL concludes, the employee returns to duty for at least 12 weeks to satisfy the service agreement.

For a PPL request and work obligation agreement template, visit ([hyperlink forthcoming](#)). For a list of frequently asked questions, visit ([hyperlink forthcoming](#)).

