



Office of the
Assistant Secretary
for Administration

Office of
Human Resources
Management

1400 Independence
Avenue, SW
Washington, DC
20250-9600

USDA GUIDANCE

IMPLEMENTATION OF THE FEDERAL EMPLOYEE PAID LEAVE ACT (PAID PARENTAL LEAVE)

On August 7, 2020, OPM released [memorandum *Paid Parental Leave for Federal Employee Interim Regulations*](#) ([regulations](#)) to implement the Federal Employee Paid Leave Act (FEPLA). FEPLA allows qualified employees to substitute up to 12 weeks of paid parental leave (PPL) for Family and Medical Leave Act (FMLA) unpaid leave granted for childbirth, adoption or foster care placement.

Who is eligible?

PPL will be available to both new mothers and fathers for qualifying events that occur on or after October 1, 2020. Employees must be eligible under existing [FMLA \(Title 5\)](#) rules to be eligible for PPL.

What is a Qualifying Event?

A qualifying event is the birth of the employee's child or placement of a newly adopted or foster child. If the employee is not eligible under FMLA at the time of the qualifying event, the employee may establish eligibility during the 12 months following the qualifying event.

Key Points

- PPL cannot be used prior to October 1, 2020, even if the employee is already on FMLA leave.
- The act does not modify the FMLA requirement of completion of at least 12 months of service prior to taking FMLA.
- PPL is a substitute for unpaid FMLA and use of FMLA leave for purposes other than birth or placement of a child (e.g., leave based on a serious health condition) during a 12-month FMLA period may reduce the FMLA leave available for birth or placement purposes.
- PPL is subject to the allowable FMLA period -- 12 weeks in any 12-month FMLA period. Unused PPL may not be carried over.
- The 12-week entitlement to PPL is applied on a per employee basis regardless of movement between different agencies during the 12-month period following birth, adoption or foster care placement.
- If an employee has multiple children born or placed on the same day, the multiple childbirth/placement event is a single event that triggers a single entitlement of up to 12 weeks of PPL.

- If the employee has another separate placement or birth during a 12-month period, they are entitled to a second 12-month period of eligibility for PPL that starts with

the date of the second birth or placement of a child of the employee. Each event creates a new 12-week entitlement

- Any use of PPL during a given 12-month period will count toward that period's 12-week limit. When 12-month periods overlap, any use of PPL during the overlap will count against each affected 12-month period's 12-week limit.

Agency Administration of FEPLA

- Agencies may not require employees to use annual leave or sick leave before allowing PPL. (Employees may use annual or sick leave in accordance with regulations without invoking FMLA to preserve their entitlement.)
- Employees must sign an agreement to return to work for 12 weeks following the leave. [Sample agreement](#).
- Failure to complete the 12-week work obligation may result in an employee being required to make a reimbursement to the agency for the government contribution to the Federal Employee Health Benefits Program (FEHB) unless the agency determines that the employee is unable to return to work for the required 12 weeks because of:
 - The continuation, recurrence, or onset of serious health condition (including mental health) of the employee or the newly born or placed child that is related to birth or placement; or
 - Any other circumstance beyond the employee's control.
- Employees must provide a certification and appropriate [documentation](#) from a healthcare provider to their agency supporting the use of PPL.
- Agencies shall allow PPL to be used intermittently.
- NFC has provided new Time and Attendance codes available October 1, 2020.

TRANSACTION CODE	PREFIX	DESCRIPTION
62	70	Biological birth
62	71	Placement for adoption
62	72	Placement for foster care

Additional Information

[OPM Information and Key Features of PPL](#)

Agency HQ Human Resources Offices may contact Michael Rafferty at 202-603-6180 or at michael.rafferty@usda.gov.