

# Taking Care of Our People

## MILITARY PARENTAL LEAVE POLICY

MARCH 21, 2023



**THIS INITIATIVE** DIRECTS A MESSAGING CAMPAIGN TO HIGHLIGHT AND EXPLAIN RECENT CHANGES TO DEPARTMENT POLICY.

### **FAST FACTS:**

- **WHAT IS IT?** The Expanded Military Parental Leave Program builds on the Defense Department's support of military families by streamlining and enhancing parental leave.
- **WHAT DOES IT DO?** As a result of changes to federal law enacted by Congress in the FY 2022 National Defense Authorization Act, the benefit provides 12 weeks of nonchargeable, paid parental leave to service members who welcome a child into their family through birth, adoption or long-term foster care placement. For birth parents, parental leave is available after the completion of any medically necessary convalescent leave.
- **WHAT CHANGES HAVE BEEN MADE?** The changes in the law have been implemented via DoD policy. Primary and secondary caregiver categories are eliminated, as well as the specified category of "maternity convalescent leave," which means birth and nonbirth parents are now eligible for the same amount – 12 weeks – of parental leave. The new policy allows leave to be taken in multiple, nonconsecutive increments and adds placement of a minor child for long-term foster care as a qualifying event for parental leave eligibility.
- **WHO IS ELIGIBLE?** Active-duty and reserve service members (on active duty for more than 12 consecutive months) who have a qualifying event on or after Dec. 27, 2022.
- **WHAT ARE THE QUALIFYING EVENTS?** The birth of a child to a service member(s), the adoption of a minor child by a service member(s) or the placement of a minor child with a service member(s) for adoption or long-term foster care.
- **WHAT ABOUT CONVALESCENT LEAVE?** A birth parent may be authorized convalescent leave to recover from childbirth. Convalescent leave is in addition to the standard 12 weeks of parental leave. The amount of convalescent leave will be determined on an individual basis, as recommended by the health care provider.
- **WHO QUALIFIES TO TRANSITION TO EXPANDED PARENTAL LEAVE FROM MATERNITY CONVALESCENT LEAVE AND/OR CAREGIVER LEAVE?** Service members who welcomed a child into their families through birth or adoption prior to Dec. 27, 2022, and as of that date, still had unused maternity convalescent leave and/or caregiver leave remaining, may immediately transition to leave under the new policy.
- **HOW DOES THE TRANSITION WORK?** Service members who qualify to transition from caregiver leave to the new policy are authorized 12 weeks of parental leave minus any used caregiver leave. Service members who qualify to transition from maternity convalescent leave to the new policy are authorized 12 weeks of parental leave when they complete their convalescent leave.

- **DO I HAVE TO TAKE ALL 12 WEEKS OF LEAVE AT ONCE?** No, eligible parents may request to take leave in multiple increments of at least one week, subject to command approval and mission requirements. However, regardless of whether the leave is used in one or multiple increments, any unused parental leave is forfeited one year after a qualifying event (under certain circumstances this can be waived) or at separation from active duty, whichever occurs first.
- **HOW DO I REQUEST EXPANDED PARENTAL LEAVE?** As of Feb. 1, 2023, all the Military Services published detailed guidance on the required forms, approval authorities and service-specific guidance to request leave under the new program. Contact your service's human resources professionals for more information.
- **POLICY EXAMPLES:**

**Can I have a few examples of how the transition policy works?**

» **EXAMPLE 1**

A service member gives birth and begins six weeks of maternity convalescent leave on Dec. 1, 2022, to be followed by six weeks of primary caregiver leave. As of Dec. 27, 2022, the service member has 15 days of convalescent leave and 42 days of primary caregiver leave remaining. In transitioning to the new policy, the service member will remain on convalescent leave until Jan. 11, 2023, then transition to the expanded parental leave, receiving 12 weeks of parental leave.

» **EXAMPLE 2**

A service member began three weeks of secondary caregiver leave under the old policy when their child was born Nov. 27, 2022. The 21 days of leave were used up by Dec. 18. That service member is NOT eligible to transition to parental leave under the new policy.

For details on the expanded Military Parental Leave Program, visit <https://www.esd.whs.mil/DD/DoD-Issuances/DTM> and search "DTM 23-001."