



FACT SHEET: THE BASICS OF PAID PARENTAL LEAVE

Paid Parental Leave is a new benefit that will be available to eligible TSA employees for the birth of a child or placement of a child with the employee for adoption or foster that occurs on or after October 1, 2020. This fact sheet provides an overview of this new benefit.

***Note:** This fact sheet will be updated as additional guidance regarding the use of paid parental leave is made available.*

Effective Date: October 1, 2020

Employee Eligibility

1. Transportation Security Officers are covered by the Federal Employee Paid Leave Act (referred to as “the Act”), and the TSA Administrator has extended the provisions of the Act to all other TSA employees. However, to be eligible for paid parental leave, an employee must be eligible for Family and Medical Leave Act (FMLA) leave under Title II of the United States Code. (See [TSA MD 1100.63-1, Absence and Leave](#), and the associated [Handbooks](#)). The requirements for FMLA are as follows:
 - a. An employee has completed at least 12 months of Federal civilian service, although the service does not need to be recent or consecutive;
 - b. An employee has a part-time or full-time work schedule (i.e., employees with an intermittent work schedule are ineligible); and
 - c. An employee has an appointment of more than 1 year in duration (i.e., employees with temporary appointments not to exceed 1 year are ineligible).
2. The employee must have a qualifying birth or placement event. The birth or placement (for adoption or foster care) of the employee’s child must occur on or after October 1, 2020.
3. An employee who is ineligible for FMLA leave at the time of a qualifying birth or placement may establish FMLA leave eligibility during the 12-month period following the qualifying birth or placement and use paid parental leave during that period.

***For example,** an employee may become eligible for FMLA leave by completing the required 12 months of service or by changing to a qualifying work schedule or appointment. Once FMLA leave eligibility is established and FMLA leave is invoked, an employee may be able to substitute paid parental leave in connection with a qualifying birth or placement.*

Leave Entitlement and Usage

1. 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 in order to receive paid parental leave.



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2. Paid parental leave is limited to 12 weeks in connection with a birth or placement of an employee's child.
3. Paid parental leave is provided via substitution for FMLA unpaid leave. FMLA unpaid leave is provided under the normal agency policy:
 - a. FMLA unpaid leave is limited to 12 weeks in any 12-month FMLA period, except that an employee may have up to 26 weeks of FMLA unpaid leave during a single 12-month period in order to care for a covered service member.
 - b. In the case of FMLA unpaid leave based on the birth or placement of a child, an employee may not use FMLA leave intermittently unless the agency agrees.
 - c. 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.

Note: To the extent that the amount of FMLA leave available for birth or placement is reduced, the amount of available paid parental leave also may be reduced.
 - d. Each Federal employee has a separate entitlement to FMLA unpaid leave. If two covered Federal employees are parents of the same newly born or placed child, each employee would have a separate FMLA leave entitlement based on the birth/placement event. (Likewise, each employee-parent would have a separate entitlement to substitute paid parental leave for his or her FMLA unpaid leave.)
4. Paid parental leave may be used only during the 12-month period following the birth or placement. There are no carryover provisions for any unused paid parental leave. An employee may not be paid for unused or expired paid parental leave.
5. Paid parental leave is available as long as an employee has a continuing parental role in connection with the child whose birth or placement was the basis for the leave entitlement.
6. Use of paid parental leave 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 paid parental leave for these purposes supports the objective of increased parent-child bonding.
7. When requested, an employee must provide appropriate documentation showing that the employee's use of paid parental leave is directly connected to a birth or placement that has occurred.



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Work Obligation

1. Prior to using paid parental leave, an employee is required to enter into a written service agreement to work for the employing agency for 12 weeks after the day on which paid parental leave concludes, which day is:
 - a. The workday on which an employee finishes using the 12 workweeks of paid parental leave; or
 - b. 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.
2. 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.
3. 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).
4. 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 AWOL) will not count toward the 12-week work obligation.
5. Failure to complete the 12-week work obligation may result in an employee being required to make a reimbursement for any Government contributions to maintain the employee's health insurance coverage under the Federal Employees Health Benefits Program to the agency (or agencies) that employed the employee during use of paid parental leave.

Multiple Birth/Placement Events

1. If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that initiates a single entitlement of up to 12 weeks of paid parental leave.
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 of a child of the employee, each event will generate a 12-week leave entitlement to be used during the 12-month period following birth/placement.



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3. Any use of paid parental leave during an overlap period (i.e., period contained within more than one 12-month period following birth/placement as in the example below) will count toward the 12-week limit for each birth/placement involved.

For example, an employee gives birth on December 15, 2020. The 12-month period begins on December 15, 2020 and ends on December 14, 2021. On March 8, 2021, a child is placed with the same employee for adoption. The 12-month period for this event begins on March 8, 2021, and ends on March 7, 2022. These two events overlap during the period of March 8, 2021 through December 14, 2021. Any paid parental leave used during this overlap period will apply toward the 12-weeks limit for both events. Only 12 weeks of paid parental leave is available for substitution during a 12-month period beginning on the date of birth or placement regardless of the number of births or placements during the 12-month period.