

**SELECT A CLASSIFICATION**  
**DoD ISSUANCE COORDINATION RESPONSE**

**COMPONENT COORDINATOR RESPONSE**

August 20, 2020

**SUBJECT:** Proposed Administrative Instruction 5 CFR § 630, “Paid Parental Leave”

On behalf of my Component, my formal response to this issuance is: Concur with comment. Below are comments for your consideration.

The Department’s point of contact for this action is Ms. Dianna Marsh, 571- 372-2193, or dianna.l.marsh.civ@mail.mil.

**X**

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Double-click the 'X' to insert a digital signature  
or print and sign a hard copy.

**Coordinating Official’s Name:** [Click here to enter text.](#)

**Coordinating Official’s Position Title:** [Click here to enter text.](#)

**Coordinating Official’s Component:** [Click here to enter text.](#)

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DoD ISSUANCE COORDINATION RESPONSE: Issuance Type and Number, "Title"						
CLASS	#	PAGE	PARA	BASIS FOR NON-CONCUR?	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	COMPONENT AND POC NAME, PHONE, AND E-MAIL
U	1	48094	§630.1705 (a)	<input type="checkbox"/>	<p><b>Coordinator Comment and Justification:</b> Request clarification on whether an employee may choose to use his/her accrued leave ("stack") immediately following a period of paid parental leave (PPL). As currently stated, the work obligation would technically begin on the first scheduled workday following the conclusion of a period of PPL in absence of any reference to the implications of other leave types that may be used. Can an employee use leave immediately following PPL, and simply push back the start date of the work agreement? Or are they bound to begin the work agreement once PPL concludes. If an employee did use leave, would they be considered to have failed to meet the work agreement?</p> <p><b>Coordinator Recommended Change:</b> Add language explicitly stating the implications of taking leave (i.e., annual, sick, etc.) immediately following a period of paid parental leave would have on the commencement of the 12-week work obligation. Add language that there is no penalty to an employee who takes approved leave immediately following the PPL period.</p> <p><b>Originator Response:</b> Choose an item.</p> <p><b>Originator Reasoning:</b></p>	Department of Defense, Katie Deibler, 571-372-1697; Kathryn.d.deibler.civ@mail.mil
Choose an item.	3	48090	§630.1202	<input type="checkbox"/>	<p><b>Coordinator Comment and Justification:</b> OPM has changed the definition of "birth" and it now specifically refers to the delivery of a living child. Is paid parental leave not available to employees whose pregnancy results in a stillbirth? Was that the intent? In the definitions in subpart Q, the definition of birth does not include "live" birth.</p> <p><b>Coordinator Recommended Change:</b> Include clarifying language. Recommend the language be consistent in subpart L and subpart Q.</p> <p><b>Originator Response:</b> Choose an item.</p> <p><b>Originator Reasoning:</b></p>	Department of Defense, Katie Deibler, 571-372-1697; Kathryn.d.deibler.civ@mail.mil

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		48090	5 CFR 630.120 3		<p><b>Coordinator Comment and Justification:</b> §5 CFR 630.1203(g) states that "Leave taken because of the birth of a son or daughter of the employee, as described in paragraph (a)(1) of this section, includes leave necessary for an employee who is the birth mother to recover from giving birth." Yet later, in subpart Q, the regulations require that PPL may only be granted "if the employee has a continuing parental role with respect to the child whose birth or placement triggered the leave entitlement." In the cases of stillbirth, or if the newly born child dies, employees will not have access to PPL to recover from childbirth. This appears to be an unnecessary restriction imposed by the regulations that the law did not prescribe. If this is indeed the intent, recommend OPM include clear, direct language that PPL is not intended to be used for recovery from childbirth. Rather, that it is for taking care of or bonding with a newly born child. We've received questions and there is confusion regarding whether PPL was intended to cover a woman's recovery from childbirth. While the period of time may overlap, based on the regulations, it appears it is specifically for taking care of a newly born child.</p> <p><b>Coordinator Recommended Change:</b> Recommend OPM include clear, direct language that PPL is not intended to be used for recovery from childbirth. Rather, that it is for taking care of or bonding with a newly born child, but that the periods of time may overlap.</p> <p><b>Originator Response:</b> Choose an item.</p> <p><b>Originator Reasoning:</b></p>	<p>Department of Defense, Katie Deibler, 571-372-1697; Kathryn.d.deibler.civ@mail.mil</p>
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U	5	48096	§630.1708	<input type="checkbox"/>	<p><b>Coordinator Comment and Justification:</b> As written, §630.1708 (b) requires that an agency "record usage of paid parental leave in a manner prescribed by" OPM.</p>	<p>Department of Defense, Katie Deibler,</p>
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					<p>However, §630.1708 (a) solely prescribes that an agency record use of paid parental leave "accurately". While flexible, the language is unclear and could result in agencies using differing methods of tracking and recording, calling into question that accuracy of the data captured and reported. Further clarification is needed.</p> <p><b>Coordinator Recommended Change:</b> Include language citing specific methods for tracking and recording paid parental leave used.</p> <p><b>Originator Response:</b> Choose an item.</p> <p><b>Originator Reasoning:</b></p>	<p>571-372-1697; Kathryn.d.deibler.civ@mail.mil</p>
		48094	5 CFR 630.1 705		<p><b>Coordinator Comment and Justification:</b> Under the section regarding "application of reimbursement requirement", the employee may be required to make a reimbursement equal to the total amount of any Government contributions paid by the agency on behalf of the employee to maintain the employee's health insurance coverage under the Federal Employees Health Benefits Program established under 5 U.S.C. chapter 89 during the period when PPL was used. Our NAF advisor has indicated that NAF employees have health insurance plans not prescribed under 5 USC chapter 89. Recommend including language referencing Government contributions paid by the agency under the employee's applicable health insurance coverage, in general.</p> <p><b>Coordinator Recommended Change:</b> Change the language to be more general regarding the authority for the employee's health insurance coverage, so that all employees' health insurance plans are included in the reimbursement requirement.</p> <p><b>Originator Response:</b> Choose an item.</p> <p><b>Originator Reasoning:</b></p>	<p>Department of Defense, Katie Deibler, 571-372-1697; Kathryn.d.deibler.civ@mail.mil</p>

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### HOW TO FILL OUT THE DD 818 MATRIX

#### GENERAL GUIDANCE:

- **To sort table** by page/paragraph number, hover your mouse over the top of the first cell in the "page" column until a downward arrow appears; click and drag to the right to select both page and para columns. Under Paragraph on the Home ribbon, select A-Z button, set to sort by Column 3 and then Column 4, and select "OK." **To add new rows**, copy and paste a blank row to keep consistent formatting. **To add automatic numbering to column 2**, select entire column and click on the Numbering button under Paragraph on the Home ribbon.

#### COORDINATING OSD AND DOD COMPONENTS:

- Do not use the DD Form 818-1.
- Fill in the memo indicating your Component's position on the issuance. Fill in the authorized coordinator's name, position, and Component. The authorized coordinator (digitally) signs the response after the comment matrix has been completed. **Making additional changes after filling in a digital signature invalidates and removes the signature.**
- Use the comment matrix to provide comments to the OSD Component that created the issuance. Complete the header and footer and Columns 1 -7:
  - COLUMN 1* Enter the classification of the comment. If any material is **classified**, follow DoDM 5200.01 guidance for marking the document. If all comments are unclassified, mark the header and footer and ignore the column.
  - COLUMN 2* Order comments by the pages/paragraphs that they apply to in Columns 3 and 4.
  - COLUMNS 3&4* As stated.
  - COLUMNS 5* Only mark this box if you non-concur with the issuance and the comment in the applicable row is part of the basis for that non-concur. A nonconcur is typically used only when an issuance contains: (a) a violation of the law or contradiction of Executive Branch policy or of existing policy in a DoDD, DoDI, or other instrument approved by the Secretary or Deputy Secretary of Defense; or (b) an unnecessary risk to safety, life, limb, or DoD materiel; waste or abuse of DoD appropriations; or unreasonable burden on a DoD Component's resources.
  - COLUMN 6* Place only one comment per row. Enter your comment, justification, and recommended changes in the first two areas provided. If any material is **classified**, follow DoDM 5200.01 guidance for marking the document.
  - COLUMN 7* As stated.
- **Review** the comments, **resolve** any conflicting views, and **confirm** that the completed matrix accurately represents your Component's position. Upload the form to the DoD Directives Program Portal in **Microsoft Word format (.docx)**, with the signed memo representing your Component's position.