

DACOWITS RFIs FOR March 2020 Primary Caregiver Leave

February 25, 2020

PRIMARY CAREGIVER LEAVE¹ (WB&T)

Since 1988, the Committee has made numerous recommendations regarding postpartum non-chargeable leave. Paid maternity leave is mandatory in most developed nations. The United States is one of three countries that currently does not offer new mothers paid maternity leave. Less favorable maternity leave policies can inhibit a woman's career trajectory. The military has made tremendous strides in affording all Service members paid maternity, paternity, and adoptive parent leave.

In, 2015, the Secretary of the Navy authorized 18 weeks maternity leave for the Navy and Marine Corps. Twelve of the 18 weeks could be taken at any point during the year following the child's birth, allowing flexibility in creating a leave plan with minimal mission impact. In 2016, the Secretary of Defense announced that across all Armed Services, servicewomen would receive 12 weeks of fully paid maternity leave. The new Military Parental Leave Program would consist of the following forms of non-chargeable leave following a qualifying birth event or adoption for covered Service members: Maternity Convalescent Leave, Primary Caregiver Leave, and Secondary Caregiver Leave.

The FY17 National Defense Authorization Act (NDAA), Section 521, prohibited the flexible (non-continuous) use of parental leave. In 2017, the Committee recommended, "*The Secretary of Defense should consider allowing the Military Services to permit flexible (non-continuous) use of maternity and parental leave if requested by the military parent(s).*" Then again in 2018, the Committee recommended, "*The Secretary of Defense should consider proposing legislation to allow the Military Services to permit flexible (non-continuous) use of primary and secondary caregiver leave, if requested by the caregiver.*" The FY20 NDAA, Section 571, authorized Service members to take leave for a birth or adoption in more than one increment. The Committee continues to be interested in the enhancement of primary caregiver leave to help encourage the retention of servicewomen by making military benefits more competitive than private sector benefits.

12 The Committee requests a **written response** from the **Department of Defense** on the status of the above policy change. Have the Military Services been told to examine a non-continuous leave option for primary caregiver and/or secondary caregiver leave? Do any barriers exist that would impede the policy from being implemented?

Q12 RESPONSE: Following enactment of the National Defense Authorization Act for Fiscal Year 2020 on December 20, 2019, the Department began the work to implement section 521 of the Act. This work has primarily entailed holding working group sessions with the military services. The Department and the Services have discussed at length, how best to implement the new authority of the section (which allows service members to take leave under the Military Parental Leave Programs in more than one increment), while at the same time ensuring Force readiness is maintained. As of the date of this response, the Military Services have presented differing views on how best to proceed, but we continue to work through issues and hope to reach consensus in the coming weeks. Once we have agreed upon a viable way ahead, the Department will issue DoD-wide implementing guidance. The Services will, in turn, have the ability to issue Service policy and, within the parameters of the DoD-wide policies, tailor their guidance to address their Service specific issues.

¹ Excerpted DACOWITS' RFIs for March 2020, Primary Caregiver Leave, Question 12, Page 4