



## **Assessing the feasibility of flexible (noncontinuous) parental leave**

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**Abstract**

This study examines the implications of offering service members noncontinuous caregiver leave (to care for infants or newly adopted children). House Report 115-676 directed the Secretary of Defense to submit a report assessing the feasibility of flexible parental leave. Policy subject matter experts and commanders across the Department of Defense provided key policy and operational implications. Before implementing a noncontinuous caregiver leave policy, we recommend (1) identifying the needs that can be satisfied by noncontinuous caregiver leave that are not met by other time-off options, (2) considering various types of flexible policies, and (3) assessing the benefits and drawbacks from two recent applications of noncontinuous caregiver leave (2015–2016 Department of the Navy policy and the current US Coast Guard parental leave policy). Taken together, these recommendations will increase the likelihood that any policy change will meet service member needs while balancing mission requirements.

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# Executive Summary

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## Background

Paid time off provides employees an opportunity to attend to family and personal needs outside of work. Those benefits can have a positive impact on satisfaction and productivity at work. The benefits of paid time off, however, must be considered in combination with mission requirements. This study examines one type of paid time off (parental leave) and describes the implications of offering additional flexibility in how the leave is used.

The current Military Parental Leave Program provides guidelines on the quantity and length of time to use paid parental leave across the Department of Defense (DoD). Service members who give birth are entitled to up to six weeks of maternity convalescent leave (MCL). In addition, service members who have a qualifying birth event (or adoption) are entitled to either up to six weeks of primary caregiver leave (PCL) or up to 21 days of secondary caregiver leave (SCL). Service members have 12 months after the qualifying birth event to take the leave. Note that MCL, PCL, and SCL can be taken in only one increment. Any parental leave not used in one increment within the 12-month period is forfeited. These entitlements are quantified in United States Code, Title 10, Section 701, DoD Instruction 1327.06 and subsequent Service policies.

House Report 115-676 directed the Secretary of Defense to assess the feasibility of offering noncontinuous maternity leave. This study, sponsored by the Office of the Secretary of Defense for Personnel and Readiness, addresses feasibility in terms of implications for policy and operational readiness. We address the question, What would happen if the parental leave policy were changed to allow noncontinuous caregiver leave? We do not examine the feasibility of offering MCL in noncontinuous increments because MCL is related to medical fitness to return to duty. The determination of medical fitness to return to duty negates further need for convalescence; however, caregiver leave can meet a variety of familial needs (e.g., setting up a routine, bonding with the child, attending medical appointments, and providing daily care until long-term care can be established). Thus, we focus exclusively on PCL and SCL.

## Approach

We addressed the study questions by reviewing policy documents that govern DoD and Service-level leave and liberty (both present and recent past). In addition, we spoke with subject matter experts (SMEs) in leave policy and commanders across DoD. Policy SMEs were

responsible for either Service leave and liberty policy or force management and assignment. We asked the policy SMEs to provide information on the following topics:

- In order to offer noncontinuous caregiver leave, what other policies (or laws) would need to change?
- How is leave currently tracked, and how would that need to change to accommodate noncontinuous caregiver leave?
- What administrative and logistical changes can be anticipated?

Commander SMEs are current or former O-5/O-6-level commanders from a variety of unit types. We asked the commander SMEs to provide information on the following topics:

- How is leave (annual and parental) currently taken and managed in the unit?
- How would noncontinuous caregiver leave affect the way a commander manages his or her leave program?
- How would noncontinuous caregiver leave affect unit manning and readiness?
- What challenges and benefits can be anticipated with noncontinuous caregiver leave?

In total, we spoke with 46 SMEs to identify policy and operational implications of noncontinuous caregiver leave.

## Policy implications

Policy SMEs identified three key implications: (1) noncontinuous caregiver leave would require precise policy language to clarify the intent and duration of the leave, (2) noncontinuous caregiver leave might have implications for other leave use and perceptions of performance, and (3) leave-tracking systems would need to be updated to provide adequate tracking of caregiver leave balances. In addition, SMEs indicated that pregnancy and postpartum policies regarding operational deferment, returning to full duty, and physical training status *would not* need to change if noncontinuous caregiver leave were allowed. Reserve component policy SMEs relayed similar concerns, but felt their leave-tracking systems were sufficient.

## Operational implications

Commander SMEs described both positive and negative implications of noncontinuous caregiver leave:

- The biggest perceived challenge is that noncontinuous caregiver leave was infeasible during deployments and some training events—especially progressive training events that build skills over time.
- The greatest perceived benefit was that noncontinuous caregiver leave allows service members to address unique needs of their families *and* manage their work commitments. Noncontinuous caregiver leave could help unit readiness by reducing prolonged absences and allowing service members to be present for intermittent training or mission-related events.

Continuing to allow commanders the discretion to manage the flexibility offered within their leave programs was perceived as key to the feasibility of noncontinuous caregiver leave. Commanders note that they have the greatest awareness of their mission requirements and service member needs.

## Recommendations

Before considering a policy change to allow noncontinuous caregiver leave, we recommend that DoD take the following actions:

1. Articulate unmet needs that can be satisfied by noncontinuous caregiver leave and not by other time-off options available.
2. Consider various types of flexibility.
3. Assess the actual benefits and drawbacks observed in two recent applications of noncontinuous caregiver leave in the US military.

First, we recommend that DoD identify and articulate the benefit of noncontinuous caregiver leave in light of the suite of military time-off options currently available. At present, service members can take MCL and caregiver leave separate from one another. However, most SMEs indicated that their service members are not choosing to do so. That could mean that service members do not want to break their parental leave into increments, or it could mean that the increments allowed are not desirable. Our discussions with the SMEs did not ask them to consider noncontinuous caregiver leave in conjunction with the suite of military time-off options. A needs analysis could show what flexibility is desirable when considering the multiple types of time off available to service members.

Second, we recommend that DoD consider a variety of options available to increase flexibility in caregiver leave. We discuss several options identified through this study to offer increased flexibility that could balance service member and unit needs.

Third, we recommend that DoD fully evaluate two instances of noncontinuous parental leave recently offered. In 2015 and 2016, the Department of the Navy authorized birth mothers to

take noncontinuous maternity leave. In addition, the US Coast Guard began offering noncontinuous parental leave (MCL, PCL, and SCL) in June 2019. DoD could benefit from evaluating the proportion and type of noncontinuous leave used in each of these cases. DoD can examine lessons learned during policy formulation and operational implementation of these changes.

Taken together, these recommendations offer DoD insights on how to ensure that the parental leave policy simultaneously meets service member needs, provides a balance between service member needs and mission requirements, and is informed by recent experience.

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## Introduction

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Paid time off is beneficial to employees and, ultimately, to employers as well. Employees with access to paid time off are better able to manage the demands of their workplaces and their families than those who do not. Put simply, paid time off can increase work-life balance. Providing employees access to paid time off can also benefit employers by enhancing their ability to recruit talent, by increasing cost savings and productivity, and by reducing turnover [1].

In addition to total amount of time off provided, employees are interested in knowing the extent to which the time off is guaranteed to them when they want to take it, for the reason they want to take it, and in the increments they desire. Employers, however, are concerned with predictability of absence, impact on operations, and workload coverage (either through shifting work to others or backfilling with new employees). Recognizing the benefits of paid time off, employers must balance employee desire for paid time off with mission-related objectives.

This study will evaluate one aspect of flexible paid time off (i.e., noncontinuous caregiver leave) and its relationship with unit readiness.

## Study purpose

House Report 115-676 directed the Secretary of Defense (SecDef) “to submit a report assessing the feasibility of flexible (non-continuous) use of maternity leave” [2]. The Office of the Secretary of Defense for Personnel and Readiness, Military Compensation, asked CNA to conduct a feasibility study to respond to the House Report. The central study question was not “Can the policy be changed to allow noncontinuous parental leave?” Indeed, Congress and Department of Defense (DoD) leaders could initiate such policy change. The study sponsor requested that CNA instead answer the question, “What would happen if the policy were changed?” Therefore, CNA examined the feasibility of offering noncontinuous parental leave from two perspectives: policy and operational readiness.

## Organization of the report

The next section provides background information on non-US military parental leave policies, military leave in general, and context for the specific policies examined in this study. First, we

briefly discuss parental leave in the US civilian workforce. This provides context for understanding military parental leave policies. Second, we provide an overview of military leave to articulate how parental leave fits into the broader system of military time off. Next, we offer a description of the parental leave policy over the last decade from the first time “parental leave” appeared in law through the current policy. This evolution provides context regarding the intended need served by the policy, as well as information about how key policy elements have changed (e.g., amount of leave, duration of time in which to use it, and specific guidelines about how it can be used). Finally, the background concludes with a description of parental policy recommendations provided by the Defense Advisory Council for Women in the Service (DACOWITS). This is important because DACOWITS has examined parental leave issues for a few years and the committee’s parental leave policy recommendations are included in the House Report directing this study.

The second section provides our analysis of the feasibility of offering noncontinuous caregiver leave. First, we describe the method we used to gather information, including the types of subject matter experts (SMEs) we consulted and the type of information we gathered. Then, we describe the policy and operational implications if noncontinuous parental leave were to be allowed.

The final section of the paper provides conclusions, insights for flexibility options, and recommendations. First, we summarize the results of our SME discussions addressing the feasibility of offering noncontinuous caregiver leave. Then, we describe the value in identifying whether there is an unmet need for providing noncontinuous caregiver leave and whether current military time-off policies address this need. We then provide options for flexibility based on our SME discussions and other flexible policies in civilian and other military contexts. Finally, we provide a description of two natural trials (where flexible noncontinuous caregiver leave has been or are currently offered) and how those trials can be leveraged to inform policy.

## Background

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### Overview of civilian maternity time-off policies

For eligible employees, time off policies in the civilian sector frequently include paid time off for illness, discretionary leave (e.g., vacation or annual leave), and federal holidays. Some policies combine those categories into a general category of leave. Increasingly, civilian employers are offering paid parental leave: maternity and paternity leave [3]. In addition, four states (California, New Jersey, New York, and Rhode Island) have legislation that allows paid leave for maternity-related medical recovery and parental caregiving (i.e., bonding). These state laws allow for employees or employers to initiate a policy (similar to disability insurance) that employees can use if they require paid parental leave. There is no federal law mandating paid parental leave. However, the Family Medical Leave Act (FMLA) allows eligible employees to apply for and receive up to 12 weeks of *unpaid* time off and job protection [4]. FMLA allows for parental leave for medical recovery, as well as caregiving, and allows noncontinuous time off. Appendix A provides a detailed description of FMLA and parental leave policies in organizations other than the US military. This includes policies governing federal civilian employees, state legislation allowing paid parental leave, select corporate leave policies, and leave policies in foreign militaries.

### Overview of military leave

Unlike civilian employers, military commanders are required to account for service members' whereabouts at all times. The majority of the civilian workforce has dedicated periods of work time (e.g., Monday through Friday, 9:00 to 5:00, weekends, evenings, or overnight). Outside of working hours, civilian workers are not required to communicate their whereabouts to their employers. They can remain in the local area or travel wherever they like. Their employers do not know or restrict where they are located until the next time that they report to work.<sup>1</sup> Service members, in contrast, are required to be accounted for at all times, whether they are

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<sup>1</sup> There are multiple exceptions to this statement, including those who are on call or have specific requirements to be reachable when "off duty."

on duty, on liberty (off duty in the local area), or on official leave status. Given the nature of military service, military time-off policies necessarily are different than in a civilian context.<sup>2</sup>

There are two broad categories of military time off: chargeable and nonchargeable leave. Chargeable leave is analogous to annual leave or paid time off in a civilian setting. Service members earn chargeable leave at the rate of 2.5 calendar days per month of active service [6]. Service members may carry up to 60 days of chargeable leave from one fiscal year to the next, with exceptions, for example, for deployed service members who cannot easily use chargeable leave.

The second category of paid time off is nonchargeable leave. Unlike chargeable leave, service members do not accrue nonchargeable leave. They are granted nonchargeable time off when authorized by their commanders to be away from their main duty stations. Department of Defense Instruction (DODI) 1327.06 defines multiple types of nonchargeable time off and regulates their use [7].<sup>3</sup> The first is regular liberty, which covers recurring time during which service members are not required to be on duty (e.g., between duty shifts, over the weekend, or during federal holidays). The second is special liberty, which may be granted at the commanding officer's (CO's) discretion, for example, as a reward for performance or to allow service members to handle personal business. DODI 1327.06 also defines administrative absences, which are those in which a service member is away from his or her duty station for work-related reasons (e.g., professional development opportunities, professional meetings, or house-hunting trips necessitated by a permanent change of station). Nonchargeable leave also covers periods of time when service members need to convalesce from injury, surgery, or illness away from work (e.g., in their homes).

Parental leave also is a form of nonchargeable leave and is described in both United States Code (U.S.C.) Title 10, Section 701, and DODI 1327.06. DoD policy on parental leave (maternity and paternity) has changed considerably over the last several years. Current DoD policy allows for three types of parental leave: up to six weeks of maternity convalescence leave, up to six weeks of primary caregiver leave, and up to 21 days of secondary caregiver leave. Each type of leave may only be taken in one increment. Returning to work before using all of the allotted time forfeits the balance.

In addition to understanding the types of time off available to service members, it is important to understand that military leave is a commander's policy; it is granted or denied by a commander's authority. Although service members are entitled to use their accrued leave, they must request the time off from their commander, and the commander has the ability to approve or deny leave requests. Commanders balance the desires of the service member and the needs

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<sup>2</sup> Ladner and colleagues recently completed a comprehensive review of military time off policies [5].

<sup>3</sup> DODI 1327.06 also describes and regulates use of chargeable leave.

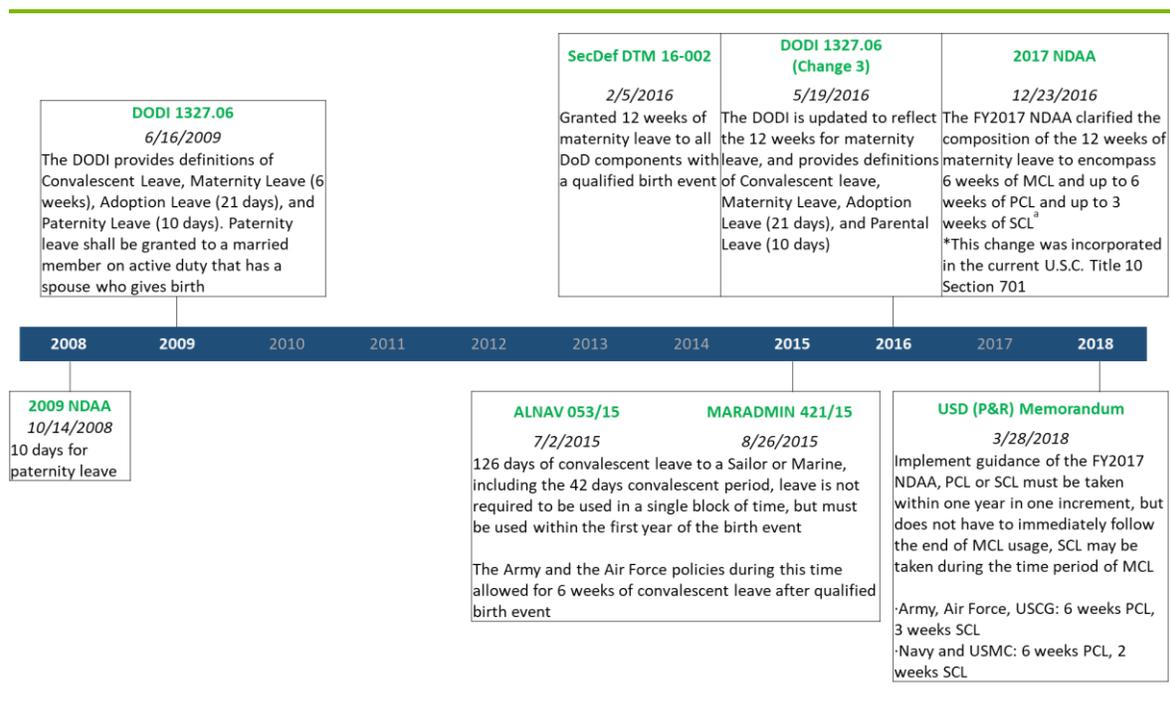
of the unit (e.g., training requirements or mission readiness). Nonchargeable leave is similarly afforded at commander’s discretion. Although it may seem like an entitlement, even medically necessary forms of nonchargeable time away from one’s duty station still are granted with the commander’s approval.

The next subsection provides a brief description of how the military parental leave program has evolved over the last 10 years. This context is important for understanding the broader purpose and context in which the current policy is viewed.

## Evolution of the military parental leave policy

Over the last decade, the military has changed maternity, paternity, and adoption leave benefits several times. The definition and components of parental leave also have evolved. For example, maternity leave over this period ranged from 42 to 126 days and varied by Service. Figure 1 provides the key policy documents that governed the changes to maternity leave policy over the last decade.

Figure 1. Key policy documents governing parental leave in the military



Source: CNA generated from policy documents noted within the figure.

<sup>a</sup> MCL is maternity convalescent leave, PCL is primary caregiver leave, and SCL is secondary caregiver leave.

Table 1 provides an overview of the DoD’s and Services’ parental leave practices during the time period. Next, we describe the major changes to policies in detail.

Table 1. Overview of military parental leave policies, 2009–2018

Time Period	Service	Birth Event		
		Birth Mother	Spouse/Partner	Adoption
<b>June 2009 to July 2015</b>	All Services	42 Days’ Convalescence Leave	10 Days’ Paternity Leave	21 Days’ Adoption Leave
<b>July 2015 to Feb. 2016</b>	Air Force Army Coast Guard	42 Days’ Convalescence Leave	10 Days’ Paternity Leave	21 Days’ Adoption Leave
	Navy Marine Corps	42 Days’ Convalescence Leave <b>and</b> 84 Days’ Additional Maternity Leave	10 Days’ Paternity Leave	21 Days’ Adoption Leave
<b>Mar. 2016 to Mar. 2018</b>	All Services	84 Days’ Maternity Leave	10 Days’ Paternity Leave	21 Days’ Adoption Leave
<b>Mar. 2018 to present</b>	Air Force	42 Days’ MCL <b>and</b>		42 Days’ PCL
	Army	42 Days’ PCL	21 Days’ SCL	<b>or</b>
	Coast Guard	<b>or</b>		21 Days’ SCL
		21 Days’ SCL	42 Days’ PCL	
	Navy	42 Days’ MCL <b>and</b>		42 Days’ PCL
	Marine Corps	42 Days’ PCL	14 Days’ SCL	<b>or</b>
		<b>or</b>		14 Days’ SCL
		14 Days’ SCL	42 Days’ PCL	

Source: CNA generated from DoD and Service leave policies [7-13].

## Parental leave policies, 2009-2015

Prior to the 2009 National Defense Authorization Act (NDAA), there was no legislation governing any type of parental leave. Time off for medical recovery after childbirth was granted as convalescence leave, but there was no law associated with it. The current DODI (1327.06) that governs leave and liberty was published in 2009 and provided guidance to execute the law change as well as articulate the parental leave offered to birth mothers and adoptive parents. Although there was no requirement in U.S.C. Title 10 for maternity leave during this period, the DODI provided up to 6 weeks of maternity leave, and each of the Services had policies that specified 42 days of convalescent leave following childbirth [14-18]. In addition, 10 days of paternity leave in connection with the birth of a child was authorized for service members who were married [19]. Subsequent Service policies were consistent with the DODI in terms of the amount of leave given. However, they varied in the time window in which service members could take the leave. Army policy, for example, specified that the 10 days of paternity leave be taken within 45 days of the birth of the child [20], while the Marine Corps policy required that leave be taken within 25 days [18]. The Air Force and the Navy required that paternity leave be taken no later than a year after the birth [14, 21]. In addition, within NAVADMIN 341/08, the policy stated that the 10 days did not have to be taken in a single block [21]. During this time, leave for birth mothers was categorized as convalescence, a nonchargeable absence.

## 2015–2016: Navy and USMC policy change

Prior to 2015, all Service policies allowed the same amount of parental leave (42 days of convalescent leave for the birth mother, 10 days of paternity leave, and 21 days of adoption leave). On July 2, 2015, the Secretary of the Navy issued ALNAV 053/15, which modified the policy to authorize 126 total leave days (including 42 days of convalescent leave and 84 additional days of leave) to a Sailor or Marine who has given birth [9]. Furthermore, it removed the requirement for service members to use all of the leave in a single time block, allowing Sailors and Marines to use the leave noncontinuously within one year of the birth event. The Navy implemented this new policy via NAVADMIN 182/15, which established guidelines for tracking maternity leave, requiring a system change request for the Navy Standard Integrated Personnel System [22]. During this timeframe, commands were required to manually track maternity leave to ensure that the 126-day allotment was not exceeded. The Marine Corps issued MARADMIN 421/15, which provided guidance for implementing the new maternity leave policy [23]. It specified that the leave consisted of a 42-day convalescence period and 84 additional days known as Additional Maternity Leave (AML). AML did not have to be taken continuously but had to be used within one year of the child's birth. However, service members could choose to take all 126 days consecutively. COs were instructed to make every effort to accommodate a Marine's request for noncontinuous AML. During this time, there was a large

disparity across the Services in time off for childbirth. The Army and the Air Force remained at 42 days of nonchargeable leave, while the Navy and Marine Corps provided 126 days (refer to Table 1).

## 2016 policy change

In accordance with his Force of the Future announcement in January 2016, SecDef Carter issued Directive Type Memorandum (DTM) 16-002 to establish a DoD-wide standard for maternity leave [13]. This memorandum immediately granted 12 weeks of maternity leave to all service members with a qualifying birth event or release from hospitalization following a birth event (whichever is later).<sup>4</sup> With this policy change (incorporated into DODI 1327.06, Change 3), the Service's maternity leave policies became consistent. The Army and Air Force were required to double the amount of maternity leave permitted from 6 to 12 weeks, whereas the Navy and Marine Corps had to *reduce* the amount of leave given to Sailors and Marines by one-third (from 18 to 12 weeks). In addition, DTM 16-002 specified that the leave must be taken continuously; this was a change for the Navy and Marine Corps, but not for the Army or Air Force.<sup>5</sup>

## Current Service policies

The Fiscal Year (FY) 2017 NDAA amended Section 701(i) of U.S.C. Title 10 authorizing primary caregivers up to 12 weeks of leave following the birth of a child (up to 6 of which are designated for medical convalescence<sup>6</sup> and up to 6 weeks for caregiver leave), or up to 6 weeks of caregiver leave following the adoption of a child [7].<sup>7</sup> The FY 2017 NDAA defined the composition of the 12 weeks of maternity leave with new terminology of medical convalescence leave (MCL), primary caregiver leave (PCL), and secondary caregiver leave (SCL) [31]. In March 2018, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued a memorandum to provide additional policy guidance on the changes made through the FY 2017 NDAA [10]. This memorandum described the Military Parental Leave Program (MPLP) that applies to both

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<sup>4</sup> DTM 16-002 grants Sailors and Marines who are pregnant or experience a birth event on or before March 3, 2016, 18 weeks of maternity leave per ALNAV 053/15 [9].

<sup>5</sup> MARADMIN 102/16, MILPERSMAN 1050-435, Army Directive 2016-09, and Air Force Instruction 36-3003 (May 11, 2016), [24-27] provided the subsequent guidance to their respective Services.

<sup>6</sup> All four DoD services allow additional convalescence to be granted if it is recommended by the service member's medical provider and agreed to by the service member's CO; an increase in convalescence correspondingly reduces the available caregiver leave. A service member who miscarries or has a stillbirth, or who gives a child up for adoption (or intends to do so), is entitled to nonmaternity convalescence [12, 28-30].

<sup>7</sup> Service members who acquire a child through surrogacy are treated as having adopted a child [12, 28-30].

active component (AC) and reserve component (RC) service members on active duty orders in excess of 12 months.<sup>8</sup> The policy memorandum states that MCL<sup>9</sup> must be taken immediately after childbirth and in one increment, whereas PCL and SCL must be taken within one year (or 18 months with a retroactive period<sup>10</sup>) and in one increment, but does not have to immediately following MCL use. In a dual-military couple, the designated secondary caregiver may take SCL during the birth mother's MCL [10]. Any caregiver leave not taken within one year of birth is forfeited.

Although U.S.C. Title 10 specifies that all such leave must be taken in one increment, it does not specify that MCL and caregiver leave must be taken in a continuous block. DoD and Service-level policies allow birth mothers to take their MCL separately from their caregiver leave (though each must be taken in a single increment) [10, 12, 28-30]. Secondary caregivers are allowed up to 21 days of leave in connection with a birth or adoption.

The Services have some discretion within the U.S.C. Title 10 and the MPLP. For example, the Navy and the Marine Corps currently allow 14 days of SCL, while the Army, Air Force and Coast Guard allow 21 days [12, 28-30, 32]. Furthermore, Title 10 does not explicitly prescribe that an infant's birth mother will be its primary caregiver. Therefore, the Services have discretion to provide guidelines regarding the designation of primary and secondary caregiver roles; however, the roles should be designated at least 60 days prior to the qualifying birth event or qualifying adoption [10]. The Navy policy is the most explicit about designating primary caregiver status stating that a birth parent service member must not be denied being the primary caregiver, and the non-birth parent can only obtain the primary caregiver designation through specific circumstances or with approval by their COs [12]. For example, with CO approval, a non-birth parent could be designated as primary caregiver if the birth mother is incapacitated or is in a profession, role, or career track that makes her serving as primary caregiver less feasible.

### Reserve component

Unlike the AC, not all members of the RC are eligible for the MPLP. Only RC members serving on active duty recall or mobilization orders for more than 12 months and members of the

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<sup>8</sup> This includes service members who are on Active Guard or Reserve duty, Full-Time Support status, Full-Time National Guard, or active duty mobilization or recall orders for more than 12 months.

<sup>9</sup> In the MPLP memo, MCL is *maternity* convalescent leave; however, within the FY 2017 NDAA and U.S.C. Title 10, the term used is *medical* convalescent leave. For the purpose of this report, they are considered synonyms.

<sup>10</sup> The MPLP retroactive period is December 23, 2016, through March 22, 2018. The retroactive period specifies that the entitlements within the MPLP are for birth events or adoptions that occurred on or after December 23, 2016, through the day immediately preceding the issuance of the MPLP memorandum (March 23, 2018) [10].

Active Guard Reserve, Full-Time Support, or Full-Time National Guard are eligible for parental leave [6]. This policy would not affect service members serving in a drilling status, as a technician, or on Active Duty Operational Support orders.

### **US Coast Guard (USCG)**

Although previous USCG leave policies were the same as the Department of the Navy (DoN), the 2018 Coast Guard Authorization Act (CGAA)<sup>11</sup> altered that practice. The 2018 CGAA specifies that USCG officers and enlisted members “at the discretion of the CO...shall be permitted (1) to take [MCL, PCL, and SCL] in increments; and (2) to use flexible work schedules [e.g., working 10 hours per day for four days per week]” [33]. As of 5 June 2019, the USCG authorized MCL, PCL, and SCL to be taken in increments of not less than 3 days as approved by the member’s command [34]. Parental leave must be taken within 12 months of the qualifying birth or adoption.

## **DACOWITS recommendations for changing parental leave policy**

In 1951, the Defense Advisory Committee on Women in the Services was established and mandated to provide SecDef with independent advice and recommendations on policies and matters relating to female service members in the United States armed forces. The committee reports to the SecDef through USD P&R. The committee members are appointed by the SecDef and serve in a voluntary capacity for one- to four-year terms [35]. In recent years, DACOWITS reports’ recommendations have included opening all military positions to women, providing properly fitting combat equipment to female service members, and increasing fairness in performance evaluation standards. Other topics range from recruitment, marketing, and accession of women in the military to the impact of military culture on female service members. DACOWITS produces annual reports and recommendations to the SecDef. In each report between 2015 and 2018, the committee articulated a rationale and recommended changes to pregnancy leave policy, including recommending that SecDef consider offering service members flexible maternity leave.

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<sup>11</sup> The USCG is governed by Title 14 of the U.S.C. Both USCG funding and updates to its regulations may be passed through an annual CGAA; in years when this is not possible, such provisions may be attached to other bills. For example, neither the House nor the Senate versions of the 2017 CGAA were enacted, but provisions of the House version were enacted through other bills.

The 2015 DACOWITS report included the findings of focus groups with female service members highlighting several important issues, including separation, colocation, deployment, breastfeeding support, and parental leave [36]. The report states that inadequate maternity leave was reported as a challenge for women in the Services, and that both female and male service members mentioned that postpartum leave provided an inadequate amount of time off for both mothers and fathers. The 2016 DACOWITS report recommended one single policy, for each Service, governing pregnancy, postpartum, and parenthood issues,<sup>12</sup> and it recommended revisions to performance evaluation systems to prevent bias from pregnancy and protect privacy<sup>13</sup> [38].

The 2017 DACOWITS report recommended that the SecDef consider flexible, noncontinuous maternity and parental leave. While noting recent policy improvements, the committee asserted that adopting a more flexible policy could provide service members with a better balance to address familial needs, while improving retention [39]. In addition to proposed benefits to families, the report discussed effects of noncontinuous parental leave on the Services. Specifically, DACOWITS suggested that the type, size, specialty, and operational tempo of the service members' units could affect how units are affected by noncontinuous parental leave. In a large unit, or one that frequently rotated personnel, there is greater flexibility to fill in gaps while a service member is on leave [39]. However, absences are harder to fill in smaller units or when the service member on leave has a highly specialized position. Operational tempo also could affect the feasibility of noncontinuous parental leave in some units. With the preparation for deployment, training, exercises, and high-priority missions, time away from the unit could adversely affect both the service member and the unit [39].

While earlier reports studied and discussed flexible parental leave, the 2018 report specifically advised the SecDef to consider legislation permitting flexible, noncontinuous use of PCL and SCL, if requested by the service member [40]. While the report praises recent parental leave policy improvements, DACOWITS contends that a noncontinuous parental leave plan would increase retention and improve unit readiness [40].

In addition, the 2018 report recommended that the Services standardize the amount of SCL to be consistent with the maximum allowed by U.S.C. Title 10, Section 701 [40]. DACOWITS noted that inconsistencies across the Services can damage morale and work-life balance, particularly in cross-Service, dual-military couples and for service members working in a joint environment [40].

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<sup>12</sup> The Navy's and the Marine Corps' consolidated pregnancy, postpartum, and parenthood policies [16, 37] were highlighted as best practices.

<sup>13</sup> The Marine Corps has recently eliminated the use of the word *PREG* from fitness reports [MARADMIN 657/18, Nov. 14, 2018] and in promotion photos [MARADMIN 052/19, Jan. 28, 2019].

# Evaluation of the Feasibility of Noncontinuous Parental Leave

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## Methodology

### Defining terms

Two terms from House Report 115-676 require definition: maternity leave and feasibility. First, as described in previous sections, the DoD concept of maternity leave has evolved several times in recent years. We consider only the implications of noncontinuous PCL and SCL in our analysis. MCL is designed to allow a service member who has given birth to undergo medical recovery. Returning to duty after MCL is done in conjunction with a physician's recommendations. Convalescent leave traditionally is a finite, singular event and, if a service member needs to return to convalescence, a physician makes that determination. Therefore, considering convalescence as an intermittent event is incongruous with military practice.

Second, to evaluate the feasibility of a noncontinuous caregiver leave policy, we were asked to identify what would happen if the policy *were* changed. This feasibility aspect focuses on (1) policy and (2) operational implications.

### Procedure

To address the main study questions, we reviewed relevant laws and DoD and Service-level policies related to military time off, parenthood, and pregnancy. In addition, we reviewed parental leave policies in other contexts, including federal civilian employers, private companies, and foreign militaries. The purpose of this review was to thoroughly understand military time off relative to how parental leave is offered in other contexts.

Further, we held discussions with SMEs in either policy or military operations to understand their perceptions on what would happen if the military offered noncontinuous caregiver leave. Throughout our discussions, we emphasized that the total amount of leave offered would remain the same as current DoD policy, to avoid conflating additional flexibility with any expansion of leave itself. We also emphasized that flexibility would not apply to convalescence.

We asked SMEs to identify policies that would need to change if the military offered noncontinuous caregiver leave and to explain how noncontinuous caregiver leave could affect operations and unit readiness. We asked the policy SMEs to provide information on the following topics:

- In order to offer noncontinuous caregiver leave, what other policies (or laws) would need to change?
- How is leave currently tracked, and how would that need to change to accommodate noncontinuous caregiver leave?
- What administrative and logistical changes can be anticipated?

We asked the commander SMEs to provide information on the following topics:

- How is leave (annual and parental) currently taken and managed in the unit?
- How would noncontinuous caregiver leave affect the way a commander manages his or her leave program?
- How would noncontinuous caregiver leave affect unit manning and readiness?
- What challenges and benefits can be anticipated with noncontinuous caregiver leave?

## Subject matter experts

### Policy SMEs

We spoke with civilian and military personnel responsible for the AC leave and liberty and/or pregnancy and parenthood policies in the Army (n=2), Air Force (n=2), Navy (n=5), Marine Corps (n=1), and Coast Guard (n=2). In addition, we spoke to Manpower and Reserve Affairs personnel from the Air Force (n=2) and the Navy (n=2) who provided a force management perspective. Further, we met with two policy representatives from each of the following RCs: Army, Air Force, Navy, and National Guard Bureau. Finally, we talked to a civilian from the Army Human Resources Command (n=1) who is working on the transition to an integrated personnel database to discuss leave-tracking considerations.

### Commander SMEs

We also spoke with current and former commanders from a variety of O-5/O-6-level commands in the Navy (n=7), Marine Corps (n=7), Army (n=5), and Air Force (n=3).<sup>14</sup> Although we did not gather SME perspectives from each unit type across all Services, we did meet with representatives from a wide variety of unit and command types across Services. The Navy SMEs primarily held command between 2012 and 2018; however, one Navy SME was in command between 2004 and 2010. They represented a variety of commands, including four “sea” commands (Surface Warfare Officer, Aviation, and Submarine), two “shore” commands (both Recruiting), and one Special Warfare Command. Marine Corps SMEs were all currently in command and represented a variety of command types, including combat service support, combat support, combat, aviation, and training. From the Army, we spoke with five former

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<sup>14</sup> At the time of the study, we were not able to speak with Coast Guard commanders.

commanders who commanded from 2013 to 2018. Three Army SMEs held training commands: one commanded a combat aviation brigade, and one an infantry brigade and battalion. From the Air Force, we spoke with three current commanders. Two command mobility squadrons, and the other commands a medical squadron. Although we did not talk to RC commanders, some RC policy SMEs shared operational implications. We include the operational perspectives shared by RC policy SMEs in the corresponding sections.

## Analytical approach

For each SME discussion, at least two, and often three, project team members took detailed notes on the discussion's content. All team members present combined their notes into one file that the team used for the study. Upon completion of the SME discussions, project team members individually reviewed the notes to determine the prevailing themes and any notable differences among the discussions.

For the policy SME discussions, the overarching question was, If noncontinuous caregiver leave were allowed, what policies and procedures would need to change? Along with that question came, What administrative changes would need to be made in order to support the policy change? Project team members met to discuss the themes and organize them into actionable insights.

For the operational SME discussions, the overarching question was, What would happen, in a variety of unit types, if noncontinuous caregiver leave were allowed? Similar to the process used to synthesize the policy SME input, multiple project team members individually coded the discussion notes and identified themes. We then met as a group to discuss and organize the themes. The resulting themes are summarized in the remainder of this section. Policy and operational themes are presented separately.

## SME perceptions of policy implications

SMEs raised multiple policy considerations if Section 701 of U.S.C. Title 10 were amended to allow noncontinuous caregiver leave. First, SMEs said that the leave and liberty policies would have to be altered to clarify the purpose and provide precise guidance to curtail gamesmanship. Second, SMEs perceived that noncontinuous caregiver leave would have implications for use of other leave types and for perceptions of service member performance. Third, SMEs indicated that leave-tracking systems do not display caregiver leave balances, and caregiver leave use cannot be centrally tracked.

## Necessary clarification to DoD and Service-level leave and liberty policies

### Noncontinuous parental leave policy would require language to clarify intent

SMEs expressed concern and confusion over the rationale supporting noncontinuous caregiver leave. They noted that, if caregiver leave is intended to help parents develop a routine with their child (or children), bond with the child, find child care, and return to work, DoD needs to be clear on how nonconsecutive leave supports this. SMEs noted that parental leave is not intended to be used for convenience; it is supposed to enable what is best for the caregiver and the child. SMEs pointed out, however, that no single solution fits all situations, and a single continuous block of leave will not necessarily be the best leave structure for all families.

### Noncontinuous parental leave policy would require precise language to prevent gamesmanship

SMEs expressed concern that a flexible leave policy would require precise language to prevent gamesmanship by service members in how leave is counted. For example, if the policy language surrounding flexible leave references weeklong increments, it would need to provide context for what a week means. To address this potential issue, SMEs indicated that Service-level leave policies likely would need to refer to “duty days” or workdays, not weeks (e.g., 6 weeks of PCL is intended to be 30 working days, not 42 working days). A noncontinuous leave policy that does not reference duty days could allow service members to take significantly more time off than intended. Although this concern was raised as hypothetical by SMEs across multiple Services, Navy SMEs discussed experiencing this issue when nonconsecutive maternity leave policy was available to Sailors [9].

## Implications for leave use and perceptions of performance

### Noncontinuous caregiver leave could affect use of chargeable leave

SMEs expressed concern that there could be a cascading effect on chargeable leave if nonconsecutive caregiver leave were allowed. Each year, service members earn 30 days of leave and are allowed to carry over 60 days across fiscal years (unless they are authorized to carry over more because of deployments). Given a finite period of time in which to use both caregiver leave and annual leave, SMEs from several Services noted concerns that breaking caregiver leave into smaller increments could lead to service members’ losing either form of leave because they are unable to plan or use the leave that they have. For example, Air Force SMEs mentioned that they already have to ensure that Airmen take their allotted annual leave on top of federal holidays, family days, and permissive temporary duty. While exact numbers were not immediately available, SMEs from each Service indicated that tens of thousands of

service members were losing leave and expressed concern that a more flexible caregiver leave policy could exacerbate this problem.<sup>15</sup> Further, some expressed concerns that service members actually may take *less* PCL/SCL if it is noncontinuous, due to pressure to return to service early or save leave for emergencies. One Navy SME indicated that this pressure might be greatest for (male) secondary caregivers, stating that over a third of qualifying male Sailors took no parental leave in 2016. This SME further noted that normalizing the full use of SCL not only would be beneficial for secondary caregivers but also could increase normalization of caregiver leave in general.

### **Noncontinuous caregiver leave could have negative repercussions on performance ratings and professional opportunities**

Another category of policy concern related to workplace protections on the service member's return to duty. DODI 1327.06 explicitly states that "no member will be disadvantaged in her career, including limitations in her assignments,...performance appraisals, or selection for professional military education or training, solely because she has taken maternity leave" [7]. Nevertheless, several SMEs expressed concerns that service members who took noncontinuous leave could be more likely to be viewed as an "absentee worker" than those who took leave in a continuous block.

For example, a Marine Corps policy SME noted that, although the Marine Corps has a policy (MCO 1610.7A) preventing absences associated with pregnancy from being held against a Marine, this is more easily enforceable with block leave than incremental leave.<sup>16</sup> Thus, while pregnancy cannot be grounds for an adverse fitness report, which requires a demonstrated lapse in leadership or judgment, additional incremental leave could be incorrectly (and perhaps unconsciously) viewed as absenteeism and thus treated as grounds for substandard reporting. Such reporting could hurt the Marine's opportunity for career progression. People may have a harder time understanding that incremental leave is a valid use of time away, so flexibility may provide more openings for subjectivity and thus circumvent the prohibition on differential treatment (e.g., through the perception that service members who spend less time in the shop are less proficient).

### **Implications for Services' leave-tracking systems**

While not explicitly a policy concern, SMEs from several Services noted that their personnel and leave-tracking systems cannot track nonchargeable leave, including caregiver leave. Adequate tracking of noncontinuous caregiver leave usage and remaining balance ensures

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<sup>15</sup> To give a sense of the scale of loss, Air Force SMEs indicated that approximately 41,000 Airmen lost at least 5 days of leave per FY. At a minimum, this translates to over 550 *years* of lost leave.

<sup>16</sup> NAVADMIN 151/18 contains an identical policy; Army and Air Force policy directives do not address this issue.

service members are able to use their entire allotment and do not exceed the allotment of leave. This is especially important for service members changing commands during their parental leave eligibility. A system change would be required to adopt a flexible leave policy, and most SMEs felt that doing so would be unduly burdensome. Army SMEs indicated, however, that they are working on a new Integrated Personnel and Pay System (IPPS-A) to track leave and liberty. A Marine Corps SME noted that its systems are probably administratively capable of supporting a change to the policy but that this would require updates to Marine Corps Total Force System (MCTFS) and Marine OnLine (MOL). Navy SMEs noted that, when they had an 18-week maternity leave policy in 2015, the Navy's systems were unable to track this leave. Therefore, leave had to be manually tracked, which was burdensome for commands. Manually (or locally) tracked leave would be even more administratively burdensome if service members change commands during the caregiver window.

In addition, setting up a system to track one form of intermittent nonchargeable leave could have unintended consequences. One SME expressed concern that tracking flexible caregiver leave could gradually lead to greater monitoring and regulation of absences more generally, which could limit officers' discretion in awarding special liberty or their willingness to exercise this discretion. This SME presented it as a theoretical concern; however, another SME independently noted that, if you track nonchargeable caregiver leave, you should track all nonchargeable leave, including training holidays.

## No perceived need to change operational deferment policy

Policy SMEs appeared to separate the need for operational deferment from caregiver leave in general. Each Service has a policy that restricts deployment and certain operational duty for birth mothers.<sup>17</sup> The deferment length varies by Service. The Navy and Air Force provide a 12-month deferment and the Army and Marine Corps provide a 6-month deferment.<sup>18</sup> While no policy SMEs suggested that noncontinuous caregiver leave would necessitate a change in operational deferment policies, SMEs from all four Services noted that operational deferments do not apply to secondary caregivers and that doing so would be extremely impractical. For example, one Navy SME noted that there are five times as many secondary caregivers as primary caregivers in the Navy and estimated that about half of them are deployed at any given

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<sup>17</sup> Physical training (PT) tests and body composition standards also are deferred for birth mothers, and SMEs indicated that these policies likely would not change based on a flexible leave policy. Currently, Soldiers are deferred for 180 days, Marines for 9 months, and Airmen for 12 months from the end of the pregnancy, whereas Sailors are deferred for 6 months from the end of convalescence [30, 41-43].

<sup>18</sup> One SME noted that some exceptions to policy are granted to allow a total of 12 months of operational deferment in the Marine Corps.

time. This SME said that he does not see how the Navy could offer this sort of deferment, stating that “we don’t have the ability to move 17,000 birth fathers to shore duty.”

An important note when evaluating the concept of operational deferment for caregivers is that several SMEs explicitly stated or implied that birth mothers would be primary caregivers. Thus, SME perception about the lack of need for operational deferment is, at least partially, based on the idea that primary caregivers also are MCL recipients and are already operationally deferred. Under this assumption, secondary caregivers would not medically require deployment deferment. This assumption may not always hold in practice. For example, two service members in a dual-military marriage might choose to designate the parent who is not giving birth as the primary caregiver to more evenly distribute leave. Alternatively, a birth father whose wife dies in delivery would become the child’s primary caregiver and might require some degree of deployment deferral. These scenarios show the need to develop a deferment system capable of considering birth mother and primary caregiver statuses on a case-by-case basis when determining operational deferments.

## Implications of noncontinuous caregiver leave for the RC

The RC policy SMEs all agreed that, if noncontinuous parental leave were offered, it would be implemented in the same manner as in the AC since each component follows the same policy. The following paragraphs describe differences between the AC’s and the RC’s perceptions of implications of noncontinuous caregiver leave.

### Ability to take all leave

One way the MPLP differentially affects the AC and the RC involves the policy that active duty service cannot be extended for the purpose of taking leave. For AC service members, it means that their entire active service obligation cannot be extended to allow for leave taking. In the RC, it means that *each* set of active duty orders cannot be extended. This frequently limits RC service members’ ability to take caregiver leave. Although the RC has 12 months following the birth to use parental leave, the end of their current set of active duty orders is not necessarily 12 months after the birth. Depending on the situation, it could be a few months, weeks, or just a few days after birth. In situations where a service member’s active duty orders end before he or she has used all parental leave, he or she would forfeit the balance. SMEs argued that, if caregiver leave could be broken into increments, it would be more likely that RC service members on active duty orders would lose caregiver leave because they might not have 12 months remaining on active duty.

### Managing leave

RC policy SMEs noted the importance of managing and tracking service member leave. Contrary to the perception of the AC policy SMEs, RC policy SMEs felt that they have the IT

infrastructure and systems to support tracking noncontinuous caregiver leave. They acknowledged that commanders currently track the leave and have accountability systems in place. SMEs described how service members are coded, and that any necessary modifications can be done at the local level. The information provided and the status of the RC members eligible for MPLP are available to the commanders through these local systems. A pregnant service member would have a designation associated with her profile, stating that she is not eligible for deployment.

## Summary

In addition to the law change required, most policy implications noted by SMEs involved clarifying language (e.g., duty days vs. weeks), tracking use, and recording nonchargeable leave. SMEs also were concerned about unintended consequences, such as the effect on other types of leave and subtle or overt disadvantage on evaluations, which may require policy oversight if a noncontinuous parental leave policy is implemented. It is worth noting, however, that many concerns could be mitigated or avoided through effectively written or implemented policy or through effective leave management by the CO.

Policy SMEs from all four Services expressed the desire to study the effects of the current policy prior to additional policy change. The Army and Air Force have implemented two major parental leave changes in the past five years (expanding from 6 weeks to 12, and decoupling convalescent leave from caregiver leave), while the Navy and Marine Corps have implemented three (expanding from 6 weeks to 18, contracting from 18 weeks to 12, and decoupling convalescent leave from caregiver leave). At present, none of the Services' liberty and leave or pregnancy and parenthood policy groups fully understand the operational effects of these prior changes, partly because there has been insufficient time to conduct rigorous analysis and partly because rapid implementation of policies in quick succession has made it difficult to identify the effect of each policy. As a result, policy SMEs expressed interest in reaching a new equilibrium before further modifying parental leave policies.

## Operational implications of noncontinuous caregiver leave

Before discussing the operational implications of a noncontinuous caregiver leave policy, we gathered commander SMEs' perceptions (from Air Force, Army, Marine, and Navy commanders) on leave culture, how the current MPLP is used, and how it affects operations. We also gathered information about the commanders' perspectives on the purpose of caregiver leave and the need it fills.

## Operational SME perspectives on current caregiver leave policy

### Commanders' perspective on use of leave

SMEs from all Services noted the importance for service members to take leave for their own well-being and readiness, as well as that of the unit. One Marine Corps SME stated that “a happy force or a more content force is a more productive force” and that encouraging service members to take leave contributes to this. SMEs expressed support for service members taking annual leave to prevent use-or-lose scenarios. Within their units, SMEs commented that relatively few members had lost leave in the previous fiscal year. When service members did lose leave, they were typically senior officers, who were frequently concerned about the effects their absences would have on the units. In some cases, however, Service members may feel pressured to work by their unit's command climate—even without overt pressure, many service members may hesitate to take leave if their superiors do not do so. Senior officers' reluctance to take leave may have a cascading harmful effect on staff noncommissioned officers (NCOs) and therefore on junior service members. Despite CO encouragement, Navy, Army, and Marine SMEs noted that service members wanted to work or deploy and at times had to be told to take leave. For example, one Army SME mentioned having to “yank students out of the cockpit” to make them use secondary caregiver leave. This also extended to a sense of accountability to one's fellow service members; several SMEs said that their Service members viewed their unit members as another family.

### Implications of the current caregiver leave policies

Although there is no DoD policy specifying that birth mothers must be primary caregivers (or vice versa), each Service has developed its own guidance for the designation of primary and secondary caregivers. SMEs typically assumed that PCL applies to mothers and directly follows MCL. There are three ways in which this assumption could affect how SMEs perceive PCL versus SCL. First, while PCL lasts for up to 6 weeks, many SMEs assumed that it would be taken immediately after MCL, and they discussed the entire 12-week absence as a single unit. In some cases, a 12-week absence might be no harder to manage than a 6-week absence (e.g., if the unit requests a backfill for 12 weeks instead of 6); in other cases, it might pose unique challenges (e.g., if it results in the primary caregiver losing currency in a certification). Second, birth mothers receive operational and/or deployment deferments based on their Service, so SMEs frequently assumed that training, exercises, deployment, or other strenuous activities would be relevant primarily to secondary caregivers. Third, COs are frequently made aware of pregnancies in advance of births, giving units enough notice to plan for a primary caregiver's absence and mitigate its impact.

SMEs across all Services said that parental leave (MCL, PCL, and SCL) could potentially have an impact because, in the words of one Navy SME, “commands are not manned to have extra personnel.” This is frequently addressed by maintaining redundancy and/or cross-training

within the unit, so that a unit always has someone capable of replacing an absent service member. Where redundancy is not possible, sufficient notice can mitigate the effects of a service member's absence by allowing his or her unit to request or cross-train a replacement.

There are two distinct impacts to unit function under the current PCL policy: overburdening other Service members and loss of currency for the Service member on PCL. First, when units cannot get an outside replacement, they must redistribute the primary caregiver's workload among existing personnel. SMEs from all Services noted that, over a period of six weeks, this can inflict "cumulative fatigue from people continuing to step up," as expressed by a Marine Corps SME, and can put stress on members of the caregiver's unit. However, requesting a replacement from elsewhere in the AC displaces this burden onto another unit, rather than truly eliminating it. In addition, SMEs raised concerns that backfills are not exactly one-to-one matches and that the lag time often required to train replacements can add extra pressure on units. Second, SMEs from all Services expressed concerns about primary caregivers losing currency in their certifications or missing other career-building opportunities due to significant time away. Both of these impacts are primarily the result of the length of continual absence.

SCL was viewed by SMEs as less of a burden, because of its shorter duration, but it also poses challenges to units. For instance, because secondary caregivers (who are not birth mothers) do not receive any sort of operational or deployment deferment, births coming shortly before underways, trainings, exercises, or similar activities present a dilemma for COs. If SCL is granted, the service member may miss part or all of a key event. If the request for SCL is deferred, the service member's family needs may not be optimally met, which has morale and performance implications. One Navy SME described the link between morale and readiness by saying, "If they [the service members] think you care about them, they want to take care of the boat; if you don't, they don't want to, and they and the boat won't succeed. If they don't think the boat cares about them, they'll just come in and go through the motions." Another concern SMEs mentioned with the current SCL policy is lack of notice from the secondary caregiver. When secondary caregivers choose not to make the CO aware of their SCL eligibility early, they may disrupt their unit's battle rhythm or risk having their leave deferred.

SMEs went on to discuss that there is currently little effect on manning from service members' taking MCL or PCL because relatively few female service members are eligible for either type at any given time. Most SMEs had not served with a male service member who was a primary caregiver following childbirth (or adoption). In addition, SMEs mentioned that they had yet to experience a reduction in readiness levels due to parental leave, explaining that the unit's operational readiness *should not* hinge on a single service member.

## Purpose of caregiver leave

As part of our efforts to understand the need met by noncontinuous caregiver leave, we asked commander SMEs about the purpose of caregiver leave. There was broad consensus across all Services that both PCL and SCL were intended to care for and bond with the new child and establish a routine. SMEs mentioned that secondary caregivers may also need to provide care to their spouse recovering from childbirth. SMEs from all Services also mentioned that caregiver leave was intended for further recovery of the birth mother (as applicable) because six weeks of convalescence may not be sufficient to recover from childbirth and establish new sleep and parenting schedules.

Navy, Air Force, and Marine Corps SMEs mentioned that caregiver leave allowed parents to establish support systems for their children beyond what would be possible in 6 weeks. For example, one Marine Corps SME stated that “many CDCs [childhood development centers] don’t have room for infants at the 6-week mark, so that gives you an additional 6 weeks to get solidified into a base daycare or a civilian daycare, and sometimes it takes that long.”

A few SMEs from each Service said that it was not up to them to determine how caregiver leave should be used and that it should be used to meet the needs of each family. One Navy SME stated that “any way that you can do it so that you’re supporting your family, whatever your family looks like, that’s the most important part of the leave.” An Army SME mentioned that “if you’ve got a child with special needs, or if it’s a second child versus a first child, there are so many unique variations that I don’t know if you can just tip the scales one way or the other.” And a Marine Corps SME said that Marines should “take the time off, be with your kid, do whatever you have to do.” Several SMEs also mentioned that caregiver leave should be available for parents to handle both routine and emergency contingencies (e.g., illness) and major milestones (e.g., six-month vaccines, which can cause an immune reaction) that could require an indeterminate amount of time away. However, others stated that they did not believe that caregiver leave should be used for these purposes, and that other paid time off options could address these needs (e.g., special liberty or chargeable leave).

Further, several SMEs implied that they considered caregiver leave most meaningful immediately after the birth but mentioned there could be reasons to use the leave at a later time (e.g., visiting family members providing post-birth care). SMEs commented that they tried to make sure their service members could be present for the birth whenever possible or that they took leave as soon as possible afterward.

## Perceived challenges and benefits of noncontinuous caregiver leave

Noncontinuous caregiver leave could address several needs raised by SMEs by providing greater flexibility to both service members and unit commanders, although some units cannot

offer flexibility in all contexts. In addition, there are some implications of noncontinuous caregiver leave that are not universally positive or negative. Many SMEs said that vesting authority over parental leave flexibility with COs, given some policy limitations, could help to maximize the benefits of noncontinuous caregiver leave while minimizing risks or challenges.

### **Challenges posed by noncontinuous caregiver leave**

SMEs raised some specific circumstances in which noncontinuous caregiver leave is infeasible, such as on deployment or at specific training points. Taking multiple increments of caregiver leave on deployment would impose undue costs and could be unfairly leveraged by the service member. There are instances in which service members are given an opportunity for leave during a deployment, but extracting a person from a deployed environment multiple times in one tour is infeasible.

In addition, noncontinuous caregiver leave might be infeasible because of the effect a service member's absence would create for his or her unit. Navy SMEs mentioned that taking leave during an inspection could delay an entire ship's readiness, and Army SMEs mentioned the need for the tactical nuclei of an aircraft to train together.

Some units may not be able to offer certain types of noncontinuous caregiver leave because of their training schedules. For example, one Navy SME who had led a SEAL team commented that the deployment workup involved progressive training components that built over a week, with each week focused on a critical training need. In units with this sort of training schedule (e.g., other special operations forces), missing a single training day could be tantamount to missing the entire week. As a result, missing an entire week (and repeating the missed training segment) would be substantially easier to track and remediate than missing many individual days (and having to repeat multiple training segments).

Most SMEs noted that they already have systems and processes in place to track and manage leave at the local level and that noncontinuous caregiver leave could be incorporated. However, policy SMEs disagreed, noting personnel and leave-tracking systems at the Service level (e.g., IPPS-A, MCTFS, and MOL) cannot centrally track nonchargeable leave, including caregiver leave. Therefore, system updates or changes would be required to adopt a flexible leave policy, and most policy SMEs felt that doing so would be cost prohibitive.

SMEs also expressed concerns around lack of communication between service members and COs. Service members who do not request leave in a timely manner would unfairly present their COs with a choice between an unexpected impact to the unit/mission or having to defer caregiver leave for a new parent. However, COs would be responsible for clearly communicating policies within their units and either avoiding or explaining any discrepancies across similar unit types.

## Benefits of noncontinuous caregiver leave

SMEs identified several advantages of noncontinuous caregiver leave. The most common advantage, mentioned by SMEs from all Services, is that it could provide service members with a pool of leave that could be saved for emergencies, contingencies, and life events. While SMEs disagreed on whether (and at what point) it was appropriate to require service members to use caregiver leave for doctor's appointments or a child's illness, there was broad agreement that being able to retain leave was beneficial.

SMEs from all the Services stated that noncontinuous caregiver leave also gives parents the freedom to schedule leave when it can be most beneficial to them and their child. For example, one commonly raised scenario was that family may visit for stretches at a time, mitigating the need for a secondary caregiver's presence. In this scenario, caregiver leave might be most beneficial during the intervals between family members' visits. Relatedly, Army and Navy SMEs mentioned that noncontinuous caregiver leave could have unique benefits for dual-military families, who have to coordinate careers in addition to facing the demands of a new child.

Noncontinuous caregiver leave also gives service members the ability to maintain currency or participate in trainings, exercises, or underways—the former being more relevant to primary caregivers and the latter to secondary caregivers—which benefits both the service member and the unit. One Air Force SME noted that it can be difficult for an Airman to maintain currency and proficiency in an aircraft if the individual is gone for an extended period of caregiver leave. For example, a birth mother can no longer fly starting at the end of the second trimester, then is away for six weeks of convalescent leave, then potentially another six weeks for primary caregiver leave, making currency and proficiency in an aircraft difficult to maintain. With noncontinuous leave, service members could take leave incrementally over a span of time so they can come back to remain current and proficient in their aircraft. Further, noncontinuous caregiver leave could be especially helpful to service members who may not have large leave balances.

SMEs from all Services also said that giving COs greater discretion in leave decisions would be an inherently good thing. SMEs repeatedly expressed two points when advocating for CO discretion. First, leave is inherently a CO's program—as one Marine Corps SME put it “they pay us to take care of people issues.” Second, SMEs stressed that COs know both their personnel and their mission requirements. The ability to offer noncontinuous caregiver leave would allow them to simultaneously meet caregivers' needs and mission needs.

## Varied opinions on noncontinuous caregiver leave

Not all implications were universally positive or negative for the SMEs. In this subsection, we provide operational implications of noncontinuous caregiver leave on which SMEs did not universally agree. For example, SMEs from all Services indicated that women frequently required more than 6 weeks of leave for recovery but were anxious to return to work by the

12th week of leave. Multiple SMEs mentioned having to send home new mothers who came into the office to do work; these women would not be officially able to return to work without forfeiting their remaining leave. Allowing service members to split their caregiver leave into multiple pieces would let them work and begin to reintegrate themselves with their units while still reserving some leave. Some SMEs noted, however, that allowing service members to return to work early could result in self-imposed pressure to return too quickly, before they are ready (mentally or physiologically)

Some SMEs also believed that additional caregiver leave flexibility could lead to improved morale and/or retention, though opinions varied. Some SMEs believed that it could have a lasting positive effect on retention. Others stated that they did not believe it would affect retention substantially, but would at least remove one potential complaint among those who chose not to reenlist. SMEs from each Service believed that additional flexibility would help unit morale, but the majority had no opinion on the matter. As one Air Force SME noted, "If someone can take [leave] on a flexible schedule and get more autonomy that can only be a positive for the squadron because it's a cultural benefit and a positive reinforcement of an environment where they want to come to work every day."

SMEs from all Services also suggested that retaining some leave could be useful in providing a mental refresh for new mothers. On one hand, they stressed that military careers and parenthood are both physically and mentally taxing, and that the ability to take leave noncontinuously could allow new mothers to focus on parenthood while reacclimating to the stresses of military service. On the other hand, the ability to take leave sporadically for one's mental well-being could lead to frustration among peers. Some SMEs expressed concern that noncontinuous caregiver leave could increase confusion and lower morale of other unit members. Peers may not understand why a fellow service member still needs caregiver leave months after the qualifying birth event. SMEs stressed that communication with the unit was necessary to avoid any sort of confusion or negative feelings over why a particular service member was receiving leave in these cases.

SMEs had different views on how noncontinuous caregiver leave might affect unit continuity and battle rhythm, depending on a variety of factors. These included the increments in which leave could be taken, the occupation and paygrade of the caregiver, and the availability of replacements. SMEs in favor of noncontinuous caregiver leave mentioned that it allowed them to keep work going. As one Navy SME put it, "you kind of get them part-time, and sometimes part-time is better than no time." This was particularly important for certain key positions where a replacement was not immediately available. As previously stated, most SMEs viewed a two-week absence as much easier to accommodate than a six-week absence. It also would limit the need to request backfills for these positions (though in some cases it also might limit the ability to request them).

Note that noncontinuous caregiver leave also could have harmful effects on continuity and battle rhythm. A service member taking caregiver leave in a series of very small increments might not be able to make the commitment necessary for particularly large or long-term projects, and any service member brought in as a backfill in these cases would have little time to develop proficiency or get used to the new unit. This could lead to a delay in certain projects even if the unit is fully staffed at all times. Navy and Marine Corps SMEs expressed that taking leave in very small increments also could lead to confusion as to who was expected to be present on any given day or what work they were expected to perform.

These negative effects on continuity and battle rhythm could spill over onto the service member. Service members could find themselves pressured to repeatedly defer any saved caregiver leave if critical events are occurring in rapid sequence. As one Army SME put it, “female leaders in particular often hold key positions, so it’s never a good time to have them out.” This could eventually result in use-or-lose caregiver leave. Service members who do use their caregiver leave could be given fewer or lower level assignments, or they could be otherwise marginalized. This would not necessarily be an explicit act of retaliation, but it could reflect concerns that the caregiver’s skills have atrophied while on leave or that the caregiver’s intermittent leave use made him or her undependable.

A common thread across conversations was that no one policy that will fit best in every context. As one Navy SME explained, “We’re not one-size-fits-all.” Some SMEs said that it could be better for them in some contexts to have someone out for six weeks and get a backfill, while in other contexts, it would be preferable to have someone working periodically to lend their expertise. Conversely, the impact of one long absence might need to be weighed against that of several smaller breaks in continuity. SMEs also had different opinions on how caregiver leave should be offered. On one hand, for example, some had concerns about the implications of tracking single-day increments, while others believed that weeklong increments might be too long to be useful in many circumstances. On the other hand, some believed that single-day increments provided the greatest flexibility at the least cost, while others believed that weeklong increments would lead to more communication and planning between service members and COs. One Army SME advocated for two-week intervals, drawing an analogy to the length of time for command schools and suggesting that shorter intervals would cause confusion and impose administrative burdens.

Several factors could make different leave structures preferable. The first is the unit type; for example, Navy SMEs generally considered noncontinuous caregiver leave to be more feasible in shore commands than in sea commands, whereas Marine Corps SMEs believed that noncontinuous caregiver leave would be more challenging to implement in units that deployed as a whole (i.e., deploying an intact battalion as opposed to deploying some sections of a unit). The second is that there are times when variable work schedules or critical moments would make noncontinuous leave difficult. One Navy SME stated that it would be impossible in a sea

command to guarantee that a particular day of the week could be used for leave. Further, one Air Force CO who leads a medical unit noted that leave cannot be guaranteed ad hoc because surgeries and patient appointments are planned often months in advance. The third is the occupational characteristics of the service member. Particular occupations or paygrades may be difficult to go without for long stretches or may need to have a more consistent schedule. Finally, service member needs vary; some may need all 12 weeks for recuperation or adjustment to a new routine, while others may be able to return sooner.

Table 2 summarizes the major benefits and challenges of noncontinuous caregiver leave. Potential benefits and challenges are categorized for service members and the unit. Table 2 demonstrates that some aspects of noncontinuous caregiver leave are beneficial (or challenging) for both the service member and the unit.

**Table 2. Commanders' characterization of potential benefits and challenges from a more flexible caregiver leave policy, for the service member and the unit**

Potential benefits and challenges from policy change	Service member	Unit
<b>Potential benefits from policy change</b>		
Could minimize loss of currency	X	X
May be easier for units to find shorter-term backfills		X
Shorter-term backfills are less of an imposition for the sending units		X
Minimizes needs for backfills at all		X
Service members less likely to miss key training or events	X	X
Increased feasibility of meeting family needs in most optimal way	X	<sup>a</sup>
Can retain leave pool for emergencies (especially useful for those with low balances)	X	<sup>a</sup>
Can acclimate to parenthood while maintaining Service engagement	X	X
<b>Potential challenges from policy change</b>		
Multiple increments infeasible when deployed	X	X
Timing can make increments hard to accommodate (deployments, inspections, training) <sup>b</sup>	X	X
May be difficult to accommodate for key positions <sup>b</sup>	X	X
May be impossible if deploy as an intact unit	X	
May require IT/systems changes		X
Negative battle rhythm impacts	X	X
Service members could be marginalized/receive negative performance evaluations	X	

Source: CNA.

<sup>a</sup> The positive benefit for the Services, we suspect, only occurs if there is an increased retention effect resulting from either the ability to better meet familial needs or to retain a leave pool for emergencies. Commanders had varied opinions whether a more flexible parental leave policy would increase retention.

<sup>b</sup> This was also noted as a challenge under the current parental leave policy.

## Mitigating challenges of noncontinuous parental leave

Although SMEs raised concerns around noncontinuous parental leave, SMEs across all services pointed out that there are ways to mitigate these concerns and make a flexible leave policy maximally effective. The most pervasive suggestion for mitigating challenges of noncontinuous parental leave was to allow COs the discretion to manage their caregiver leave program. SMEs also discussed communication between service members and COs to alleviate concerns. In addition, Marine Corps and Army SMEs recommended additional education and training for officers around pregnancy and the postpartum period. SMEs recommended keeping a timeframe in place for how long a service member has to use their parental leave. Several SMEs proposed a six-month period to help track leave and prevent abuse later (e.g., by avoiding last-minute use-or-lose requests or stacking caregiver leave on top of use-or-lose annual leave at the end of the fiscal year), while keeping caregiver leave relatively close to the actual birth.

### Commander's discretion

SMEs stated that vesting flexibility with the CO could maximize the benefits to the Service member while mitigating the detriments to the unit because the CO is most knowledgeable about service member needs and mission requirements. SMEs expressed confidence that COs know their unit best and are the best judges of whom the unit can afford to lose for a given period of time and when. The service member, meanwhile, knows what his or her family needs. SMEs noted that COs should be able to determine how to afford the service member the maximum amount of flexibility possible and/or desirable while meeting the unit's needs.

Some SMEs in all Services, however, expressed concerns with allowing flexibility to be determined by COs. One Navy and one Air Force SME said that different COs may be able to tolerate different levels of flexibility because of their operational nature, manning, or mission. A Marine Corps SME said that there are COs who might not offer flexibility out of philosophical opposition, lack of empathy, or putting the needs of the mission over the needs of the Marine. Relatedly, SMEs across all Services mentioned that inconsistently applied flexibility within or across units could lead to complaints. One Army SME mentioned that this had been a concern for his unit: "If I was giving a three-day pass and another battalion was giving a four-day pass, that was a significant emotional event."

In terms of the feasibility of eligible RC members taking caregiver leave nonconsecutively, policy SMEs agreed that it should be left to the CO to make the final decision on how leave is used. The RC SMEs discussed how COs know the mission and understand the needed manpower capacity. Policy SMEs did not see the need to have stipulations that would force specific time intervals in which to use noncontinuous leave or the timeframe in which it had to be used.

## Communication

SMEs discussed the importance of communication between service members and COs in managing noncontinuous parental leave, particularly in deploying units. Advance communication on when a service member plans to take leave will make it easier for COs to shift manpower and account for intermittent absences. SMEs from all services commented that open communication allows COs to (1) better track who has upcoming time off, (2) develop strategic plans to complete mission tasks, and (3) support service members' work-life balance, which in turn supports the unit's well-being.

## Education and training

Further, Marine and Army SMEs noted that providing more education and training to all service members on the mental and physical aspects of pregnancy and the postpartum period would alleviate misinterpretations of the purpose or use of a flexible caregiver leave policy. Aspects of pregnancy, the postpartum period, and the role of secondary caregivers are not always understood by COs or fellow service members who have not given birth or had children. A Marine SME commented, "People don't know what's going on or how to deal with it." Education and training would promote a shared understanding of how the support of fellow service members relates to operational readiness and unit cohesion and would assist COs in determining how to best use caregivers taking leave noncontinuously.

## Caveats

Overall, SMEs conveyed the perspective that noncontinuous caregiver leave is feasible, but they shared instances of where it could be problematic for the unit or the service member. Nevertheless, we caution readers regarding several limitations to the current study. Although we obtained a diverse representation of leaders and units, voluntary participation in discussions meant that SME perspectives may not be representative of all units across all Services. In addition, while it is currently possible for service members to take MCL and PCL (or SCL) leave separately, few SMEs mentioned that this was standard practice. This could reflect a lack of service member interest in flexible caregiver leave or simply that one 12-week leave increment is preferable to two 6-week increments. As a result, we cannot predict how frequently noncontinuous caregiver leave would be used based on the current flexibility options.

## Summary

Although noncontinuous parental leave is not ideal in every situation, it is operationally feasible in many circumstances. Notable exceptions are during deployments and some training events. In these cases, it is not operationally feasible because of the cost it would impose, the effect on the unit, or the disruptive effect on the service member's training.

SMEs across all the Services commented that shuffling personnel and tasks to cover planned or unexpected manning gaps already occurs. For example, units often are faced with injuries or other unexpected absences that require COs to fill positions, and they usually are filled with no problem. Marine SMEs noted that there is a culture of shuffling within platoons or companies due to surgery, parental leave, or other absences, and that the norm is for other Marines to fill in. Further, SMEs explained that it is common for COs to accommodate last-minute leave requests under existing policy. For example, COs frequently grant special liberty to service members for emergency child care situations. Alternatively, a CO can choose to release a service member from duty early during a workday to attend to personal matters without using any chargeable leave. However, the flexible use of special liberty or regular liberty is not always feasible across all units.

Both forms of caregiver leave pose unique challenges: PCL lasts long enough to affect readiness in some cases (particularly coming immediately after MCL) but typically comes with enough warning to mitigate harmful effects, while SCL has the potential for surprise disruptions to readiness (though its duration is not particularly challenging if planned for). Caregivers also have the potential to miss critical training exercises or similar key events if their child is born shortly beforehand. However, relatively few service members require either form of leave at any given time, making them unlikely to pose major risks to readiness. In addition, SMEs emphasized that, with proper planning and training, no unit should fail because of the absence of a single service member.

Allowing noncontinuous caregiver leave can mitigate some of the concerns surrounding the current use of caregiver leave. Specifically, it can allow primary caregivers to maintain currency in certain certifications, to bond with their new children, to support their unit for a critical event, and to retain leave for use on their return. In addition, it provides service members the flexibility to meet their family's needs, whether planned or unplanned. Allowing service members this additional flexibility also could be useful in boosting morale and possibly retention.

Regardless of how caregiver leave is structured, there will be potential benefits and drawbacks; no one policy will work best for all units and service members. The solution, therefore, may be to provide boundaries and allow COs to exercise their discretion—that is, allowing service members the maximum amount of flexibility possible, given that the requested times and increments work for the unit's mission. Although they had no data to support it, SMEs believed that most service members and commanders would prefer caregiver leave be taken continuously. That said, in cases when a service member would prefer to retain leave for later use or when the unit would benefit from having him or her return early, it could be beneficial for the service member and CO to agree on a more flexible and mutually beneficial plan.

## Conclusions and Recommendations

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Paid time off can increase work-life balance for the service member and increase satisfaction and productivity on the job. Recognizing this, DoD provides AC (and qualifying RC) service members with a generous time-off package that includes 30 days of annual leave as well as multiple types of additional time off to address intermittent and emergency situations. Eligible service members also receive maternity convalescent and caregiver leave in addition to the other forms of military time off. In this study, we evaluated the question, What would happen if caregiver leave could be taken noncontinuously? We asked policy SMEs about policies and practices that would be affected by such a change, and we asked commander SMEs about the impact on operations and operational readiness. This section provides a summary of our evaluation of flexible noncontinuous caregiver leave. Following the summary, we provide DoD with three recommendations on the subject.

### Findings from the evaluation of noncontinuous caregiver leave

The most prevalent implication mentioned by policy SMEs was the need for clear guidance regarding quantity of leave to avoid confusion and gamesmanship. Having a clear understanding of intent and limits would aid commanders in incorporating noncontinuous caregiver leave into their programs. In addition, policy SMEs indicated that information technology (IT) systems would need to be modified to allow for the centralized tracking of noncontinuous caregiver leave. In general, however, reserve SMEs and operational commanders were comfortable tracking leave at a local level. While it is feasible to offer noncontinuous caregiver leave without IT systems that can centrally track it, local tracking is not ideal for establishing a data record that could be used to evaluate the policy in the future. Also, local tracking would make it burdensome for leadership when transitioning personnel eligible for noncontinuous caregiver leave between commands.

The most prevalent concern raised by commander SMEs was the need to know *in advance* when a service member wanted to take leave and the desire to retain the ability to manage their unit's leave program at their discretion. There are a few situations in which SMEs believe that noncontinuous caregiver leave would be infeasible: in a deployed environment, at some points during a workup for training exercises and deployment, and during some training progressions where continual presence is required (e.g., training for the tactical nucleus of an aircraft or Navy SEAL predeployment training). SMEs expressed concerns regarding service members gaming the system by trying to schedule caregiver leave in conjunction with other

types of time off (e.g., around a holiday weekend) or by trying to take caregiver leave at times when the unit is going through arduous training or work. It is important to note that, while many SMEs discussed this concern, each stressed that only a minority of service members might try to game the system.

Commander SMEs also highlighted benefits to the service member, the family, and unit morale and readiness. Noncontinuous caregiver leave could allow service members to balance the needs of their families with the needs of their job. SMEs indicated instances in which prolonged absences, like those created with continuous blocks of leave, have a negative effect on unit readiness. Prolonged absences increase the likelihood that service members would miss key training events and lose currency and proficiency. Although SMEs generally believed that service member needs were best served by continuous caregiver leave, they advocated for COs' discretion in executing leave programs. COs are in the best position to balance the needs of the service member and the unit.

In addition to identifying policy and operational implications of noncontinuous caregiver leave, we identified three additional questions that DoD should explore. Before considering a policy change to allow noncontinuous caregiver leave, we recommend that DoD (1) articulate unmet needs that can be satisfied by noncontinuous caregiver leave and not by other time-off options available, (2) consider various types of flexibility that are available, and (3) assess the actual benefits and drawbacks observed in two recent applications of noncontinuous caregiver leave in the US military. We describe these additional recommendations in greater detail in the remainder of this section.

## **Articulate any unmet need that requires noncontinuous caregiver leave**

Throughout this study, we asked SMEs to provide us with information about the underlying purpose served by caregiver leave. In identifying the purpose of the current policy, we hoped to better understand the specific service member needs that the policy serves. SMEs informed us that, although caregiver leave serves multiple purposes (e.g., bonding with the child, establishing a routine, ensuring child care coverage before the beginning of formal day care, and family specific needs that are not being addressed), it is not the only time-off option available to service members to meet these needs. COs have discretion to approve annual leave and offer nonchargeable leave where appropriate. One must recognize, however, that our research objectives and SME discussions did not necessarily consider military parental leave in light of the overall leave and liberty allowed to service members. Before making any policy change, we recommend that DoD consider the extent to which service members need

noncontinuous caregiver leave to care for their children in ways that are currently not available.

## Consider multiple aspects of flexibility for noncontinuous caregiver leave

Noncontinuous caregiver leave does not have to be an all-or-nothing policy. There are multiple ways to increase flexibility by offering caregiver leave that could maximize benefits and reduce mission risk. The flexibility options listed here are informed by our SME discussions as well as our review of flexible maternity and caregiver leave policies outside the US military.<sup>19</sup> First, there are many ways to structure noncontinuous leave—policies may specify that leave be taken in a maximum number of increments, in increments of full weeks, or in increments of full days. Providing boundaries on the amount or type of increments might reduce uncertainty while providing increased flexibility. Second, flexibility could apply to a subset of PCL or SCL rather than the full amount. For example, three weeks of PCL could be required in one increment while allowing the additional three weeks to be taken noncontinuously throughout the remaining year. Third, noncontinuous caregiver leave could be offered on a negotiable basis between the service member and the CO. Although we recommend keeping the amount of caregiver leave consistent across service members, it could be beneficial to allow the CO and service members to determine optimal increments for leave-taking. Fourth, caregiver leave could be offered in a mostly continuous manner but allow the service member to return to work occasionally (e.g., one or two days) without forfeiting his or her leave balance. Currently, if service members return to work before expending all of their caregiver leave, they forfeit their remaining balance.

## Past and ongoing noncontinuous parental leave policies have not been fully assessed

There are two opportunities for DoD to learn about the benefits and drawbacks of noncontinuous caregiver leave without immediately changing policy. As noted earlier, from July 2015 to June 2016, the Navy and the Marine Corps allowed service members to take up to

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<sup>19</sup> The appendix provides a detailed summary of several policies, including provisions provided under the Family Medical Leave Act, the Office of Personnel Management's guidelines that cover most federal civilians, policies applicable to employees in four states, examples of publicized policies in private industry, and policies available in foreign militaries.

18 weeks of maternity leave noncontinuously. In addition, the USCG recently began allowing parental leave to be taken in increments. We strongly recommend that DoD take the opportunity to learn from one or both of these instances before implementing a noncontinuous parental leave policy of its own. Below we discuss both opportunities.

### 2015–2016 DoN noncontinuous maternity leave

The noncontinuous maternity leave policy in the Navy and the Marine Corps was offered only to birth mothers, so any insights gleaned from this instance are not fully generalizable to the concept of offering noncontinuous caregiver leave to both primary and secondary caregivers. In 2015 and 2016, most birth mothers took the full 18 weeks available to them [44]. Navy SMEs, who were cognizant of the policy, indicated that the noncontinuous aspect was not widely used. We recommend analyzing leave data during this period to better understand the types of increments that service members used. Understanding the proportion of service members who used their leave continuously, in weeklong or daylong increments, or in other increments can inform policy and practice regarding future noncontinuous parental leave policies. In addition, interviews and focus groups with service members who were COs during this time and with those who used the policy could provide additional insights on readiness, morale, and retention. Analyzing existing data and conducting a systematic qualitative analysis with those who used the flexibility and commanded units in which service members used the policy could provide DoD with detailed policy and practice recommendations.

### USCG offering noncontinuous parental leave starting in June 2019

Unlike the 2015–2016 DoN policy, the USCG policy allows all types of parental leave (MCL, PCL, and SCL) to be taken noncontinuously. Although the USCG's structure and mission set is not identical to DoD's, they are similar enough to view this as a relevant comparison group to observe. As the USCG structures and implements the new policy and guidelines, DoD can benefit from discussions with policy leaders and commanders to learn why policy choices were made and the implications of those choices. In addition, DoD can observe any operational implications of adopting a noncontinuous *parental leave* policy.

We discussed the upcoming policy change with USCG policy SMEs. They emphasized that the required provisions would be offered at the CO's discretion and would have to take the unit's needs into consideration. For example, the demands of land-based units (compared with those of sea-based units) could make it easier to negotiate a flexible work schedule or intermittent leave. These SMEs stressed that, because the USCG is the smallest Service, the loss of any Coast Guardsman can have a major impact depending on the size of the affected unit. The biggest concern the USCG SMEs raised involved offering MCL in increments. They indicated the

necessity, for safety, to clear all Coast Guardsmen for duty before returning to work after convalescence. They anticipate challenges within the units when they allow Coast Guardsmen to resume MCL (convalescence) despite being medically cleared to return to duty.

The USCG SMEs felt very comfortable with their leave-tracking systems. Unlike the other Services, the USCG has had leave-tracking systems capable of tracking different types of parental leave in increments since October 2018. Policy SMEs indicated that the information technology requirements to add this option felt seamless and was not burdensome.

Insights like these and other “rollout” observations can be highly informative to DoD. Without an immediate demand signal, there is value to watching and learning from the recent USCG policy change. Lessons learned from this implementation could make future DoD implementation less challenging.

## Summary

This section summarized the key implications of offering noncontinuous caregiver leave from both a policy and operational perspective. Beyond changing the law mandating that MPLP be taken in one increment, the policy changes required to offer noncontinuous leave are minimal. Although there are situations in which noncontinuous caregiver leave would be infeasible, proper communication between the service member and the unit, as well as CO discretion in managing the leave program, could mitigate most negative implications of noncontinuous caregiver leave.

We provide three recommendations for DoD to consider before adopting a noncontinuous maternity leave policy. First, identify and articulate service member needs for caregiver leave that are not met with the current MPLP and other time-off options. This will allow DoD to structure noncontinuous caregiver leave in a way that addresses unmet service member need. Second, examine a variety of flexibility options that fall between the current policy and complete flexibility. We outline options that were identified through SME discussions and examining non-US military policies. Finally, prior to a policy change, analyze a broad set of questions related to two natural experiments with noncontinuous caregiver leave: during 2015–2016 in the DoN, and the current USCG policy. Key issues that can be addressed by observing these experiments include magnitude of lost time (is it different than under the current policy?), type of flexibility used (weeks, days, or continuous blocks?), and administrative and logistical challenges faced (identify lessons learned to enhance policy rollout in DoD).

## Appendix: Non-US Military Parental Leave Policies

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This appendix discusses maternity leave policies in a wide range of contexts. First, we outline civilian parental leave in the United States. This begins with a description of the Family Medical Leave Act (FMLA) as it pertains to flexible leave and job protections. FMLA allows for up to 12 weeks of *unpaid* time off for a variety of medical situations, including childbirth. While unpaid, it includes job protection provisions for people who need to be out of work for up to 12 weeks. We then describe the guidelines issued by the Office of Personnel Management (OPM), which are followed at most federal agencies. OPM guidelines provide details for using accrued sick and annual leave for maternity and postpartum needs. OPM guidelines also describe provisions for using advanced leave (borrowed from the employee's own future leave) or using leave donated by others. Following this discussion, we describe policies in the four states that currently offer leave for parents to bond with their children (rather than just for birth mothers to recuperate).<sup>20</sup> California, New York, New Jersey, and Rhode Island have state legislation that allows employees in the state to pay into caregiver insurance or disability programs and collect payments during postpartum and newborn caregiving periods.

We then summarize industry benchmarking survey results reported by the Society for Human Resource Management (SHRM) on civilian parental leave policies. Next, we provide descriptions of flexible parental leave policies reported by seven companies. These seven companies recently have publicized their flexible maternity and caregiver policies. We describe policies that vary in terms of amount of time given and degree of flexibility ranging from taking six weeks of caregiver leave in up to two increments over the first year to unlimited leave in unspecified increments up to one year.

Because civilian policies may not reflect the military's operational needs, we conclude this section with a review of parental leave policies in the British, Canadian, and Australian militaries. While these militaries are influenced by different national laws and cultures, their policies must nevertheless accommodate military organizational and operational needs.

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<sup>20</sup> States or companies that institute leave for bonding also may explicitly or implicitly intend for this leave to assist parents in finding child care, adjusting to parenthood, arranging medical appointments, or other uses. Here, we refer to leave for bonding as any leave not specifically tied to maternity convalescence; delineating the precise intended reasons for leave is beyond the scope of this paper (and likely beyond the scope of most employers).

## Family and Medical Leave Act

FMLA is a federal law that provides *unpaid* maternity leave for both public and private employees [25]. Public agencies, public primary and secondary schools, and private companies with at least 50 employees are subject to FMLA. Employees at covered companies who have worked there for at least 12 months (not necessarily continuously), have worked at least 1,250 hours (equal to 31.25 40-hour workweeks) in the year prior to the start of FMLA use, and work within 75 miles of 49 other employees are eligible to use FMLA.<sup>21</sup>

Through FMLA, employees are entitled to 12 weeks of unpaid leave in any 12-month period to care for healthy newborns or immediate family members with severe health issues or to recover from childbirth.<sup>22</sup> Leave may be taken intermittently or through a reduced work schedule if the employer consents. FMLA leave comes with job protection; that is, upon concluding leave, an employee must either be restored to his or her prior position or be given a new one with status, requirements and responsibilities, pay, benefits, schedule, and location as similar as possible to the original position.

Covered employees may begin using FMLA leave prior to the birth or placement of their child—birth mothers may use it for prenatal care or pregnancy-related incapacity, birth fathers may use it for the birth mother’s pregnancy-related incapacity, and adoptive parents may use it for any absences necessary for the adoption to proceed. Unused FMLA leave expires 12 months after the child’s birth or placement or 12 months after the first day of FMLA leave taken, whichever comes first (assuming that another reason for using FMLA does not arise during that time). Because FMLA leave is unpaid and may affect benefit accrual, it may be used concurrently with paid leave as employer policies permit.

## Office of Personnel Management guidelines

At most federal agencies, leave policies (including maternity leave) are governed by regulations set by OPM [45]. Agencies may adopt more generous policies than those established by OPM, but the OPM handbook establishes the minimum requirements for leave policies.

The OPM guidelines do not establish any class of paid or unpaid leave specifically for new mothers. Instead, employees must take leave that could be used in other contexts. Eligible

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<sup>21</sup> Airline flight crew employees are unique in having additional eligibility guidelines, which we do not discuss here.

<sup>22</sup> Employees are granted 12 times the number of hours worked in a typical week; so, for example, an employee working 30 hours per week would have 360 hours of leave and one working 40 hours per week would have 480.

employees may take FMLA leave, while those who wish to take paid leave must use either accrued or advanced sick leave or annual leave. As a result, taking leave around the birth or adoption of a child necessarily reduces the employee's ability to use leave for other purposes, including staying home when sick or caring for seriously ill family members, as necessary. Both sick leave and annual leave begin at an accrual rate of roughly 4 hours per 80 hours worked.

Sick leave must be used for authorized purposes before birth or adoption, but it may be used in any quantity necessary. Birth mothers may use sick leave for prenatal care or pregnancy-related incapacity, including morning sickness or prescribed bed rest. Primary adopters may use sick leave for any activities necessary for the adoption to proceed, including (but not limited to) appointments with adoption agencies or required travel.<sup>23</sup>

After birth, sick leave may be used for recovery but not to bond with a healthy child. While the OPM guide does not set a limit on how much sick leave may be used, it does mention that the typical convalescence period lasts six to eight weeks. Since agencies may require evidence that the amount of leave taken was medically required, new mothers should therefore not anticipate using more than six to eight weeks of sick leave following a routine childbirth without supporting documentation from a medical professional. After adoption, sick leave may be used to bond with a healthy child only if a court or adoption agency requires time away from work with the child for the adoption to take place. Up to 12 weeks of sick leave per year may be taken to care for a biological or adopted child with serious health issues; up to 13 of these days may instead be repurposed for general family care, such as tending to routine illness or going to medical appointments.

Individuals who have not accrued sufficient sick leave may ask for advanced sick leave; employers must grant this "to the maximum extent possible, in accordance with sick leave laws and regulations and consistent with mission needs" [45]. Because advanced leave must be repaid, however, agencies may elect not to advance leave to an employee who is expected to exit before completing repayment.<sup>24</sup> Employees may be granted a combined advancement of 240 hours (six 40-hour workweeks) to recover from childbirth, attend adoption-related events, or care for a family member with a serious health condition, and may be granted an advancement of 104 hours (13 eight-hour workdays) for general family care.

Time away from work to bond with a child usually comes from annual leave. Annual leave may be requested for any purpose, but its use and timing are subject to supervisor approval. Annual leave also may be advanced, but only by as much as would be accrued over the rest of the

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<sup>23</sup> Employees may not use sick leave to adopt one child while they are fostering another. Employees cannot use sick leave to accompany anyone to adoption-related appointments unless they are the co-adopter.

<sup>24</sup> Employees are not required to repay sick leave if poor health forces their retirement.

calendar year. So, for example, a worker can obtain very little advanced annual leave in December but a great deal in January.

Agencies also have leave-sharing systems designed to help employees who are experiencing medical emergencies or who have to take care of a family member during a medical emergency. The two main variants are voluntary leave transfer programs and voluntary leave bank programs. The former allows one employee to directly donate leave to another, while the latter allows employees to donate to a leave bank accessible by any employee (subject to approval from a leave bank board). Every federal agency is required to have a voluntary leave transfer program, while a voluntary leave bank is “strongly encouraged” [45].<sup>25</sup> Employees cannot receive leave donations unless they have exhausted or will exhaust both their annual and sick leave and cannot use donated leave to bond with a healthy child or for general family care. Donated leave that is allocated but not used is returned to the donor or bank.

Federal employees who qualify for FMLA leave are not only allowed but encouraged to use it nonconsecutively. The OPM handbook urges agencies “to approve requests for intermittent FMLA leave for bonding to the maximum extent practicable,” as they may be better able to cope with several smaller absences than a single 12 week-long absence [45].

In addition, federal employees may request leave without pay. In practice, this may be most useful for employees who do not qualify for FMLA leave or who have exhausted all other forms of leave, but it is available to all employees regardless of leave use or accrual. Agencies may have separate policies regarding leave without pay. While the OPM handbook says that agencies “can provide” employees who are not yet eligible for FMLA leave with unpaid leave “that would mirror an FMLA benefit,” it neither says that they *must* do so nor defines how this benefit should mirror FMLA [45].<sup>26</sup>

## State-paid family leave laws

Organizations with leave entitlements specifically tied to parenthood typically define an entitlement solely for birth mothers to recover from childbirth. Some go on to define an additional entitlement for parents to bond with new children, which may either apply equally regardless of the parent’s gender or relationship to the child or provide one parent with more

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<sup>25</sup> These programs are not mutually exclusive; for example, a person who needs to use shared leave might prefer to go first to friends and close coworkers, but might need additional leave beyond what they can provide.

<sup>26</sup> Reasonable interpretations might include prorating the amount of leave without pay (e.g., granting as many weeks as the employee has worked months), providing 12 weeks of leave without job protections, or providing identical benefits to those using FMLA.

leave than the other. Finally, some institutions offer a fixed amount of leave to all new parents (including birth mothers, birth fathers, and adoptive parents) and do not specify that any leave period is for medical recovery. The first entitlement structure is unlikely to accommodate flexible leave because healing cannot take place intermittently; however, the second and third types may allow noncontinuous leave.<sup>27</sup>

Currently, four states (California, New Jersey, New York, and Rhode Island) have laws providing paid leave for parents to bond with their children and disability leave for birth mothers; information on these laws comes from state websites [46-49].<sup>28</sup> All four state laws cover private-sector workers who work in the state (regardless of residency) and have paid into state disability insurance and/or caregiver insurance programs. The laws in California, New Jersey, and Rhode Island also cover public employees; New York's law applies to public employees only if their employer has opted in or if they are covered by a union that has negotiated for the law to apply. Qualifying workers in each state also are eligible for unpaid leave and job protection through FMLA and/or the corresponding state-level law.

These laws have several broad similarities. The portion of leave that is available only to birth mothers is paid through the state's temporary disability insurance system and must be taken in a single block. The component related to bonding is available to both parents, whether the child arrived via birth, adoption, surrogacy, or fostering, and is funded through the state's temporary caregiver or family insurance program. In each of the four states, this component may be taken nonconsecutively within 12 months of the qualifying event. For consistency, we will refer to the first component as maternity disability leave, the second component as caregiver leave, and both together as parental leave. Table 3 presents information on each state's maternity disability and caregiver legislation. While these laws have similar overall structures, they offer different amounts of leave. California and New York each offer a maximum of 4 weeks prior to birth, while New Jersey offers 4 weeks per child to be born (thus, 8 weeks for twins, 12 weeks for triplets, and so on). Rhode Island does not list a maximum amount of prebirth leave; it allows leave to be taken prior to birth only in the case of a documented medical disability (which the other states do not specify).

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<sup>27</sup> The scenarios that come closest to noncontinuous recuperation are if a woman attempts to return to work only to discover that more convalescence is needed, if a woman initially returns to a reduced work schedule, or if a woman is cleared for intermittent light duty to meet training or certification requirements. However, none of these structures reflects choosing to alternate convalescence with regular duty in flexible intervals.

<sup>28</sup> Hawaii, Puerto Rico, and the District of Columbia have paid leave for maternal convalescence but do not offer paid leave for parents to bond with their children. Washington State passed a paid family leave law in 2007, but was unable to reach consensus on how to fund it. As a result, the law has not gone into effect. Massachusetts passed a paid family leave law in 2018, which is expected to go into effect in 2021.

Table 3. State parental leave legislation

	California	New Jersey	New York	Rhode Island
Max. prebirth disability leave	4 weeks	4 weeks/birth	4 weeks	No max. <sup>a</sup>
Max. postbirth disability leave	6 weeks (normal) 8 weeks (Cesarean)	6 weeks (normal) 8 weeks (Cesarean)	4 weeks (normal) 6 weeks (Cesarean)	30 weeks <sup>b</sup>
Max. caregiver leave	6 weeks	6 weeks	10 weeks <sup>c</sup>	4 weeks
Leave window	12 months	12 months	12 months	12 months
For both parents?	Yes	Yes	Yes	Yes
For adoption or fostering?	Yes	Yes	Yes	Yes
Degree of flexibility	Any increment	1-week increments	Full-day increments	1-week increments after 1 <sup>st</sup>

Sources: [46-49].

<sup>a</sup> Prebirth disability is allowed only in cases of a documented medical disability. There is no cap listed in the event of such a disability.

<sup>b</sup> Maximum leave is equal to 36 percent of total base period wages divided by weekly benefit rate (not including dependent's allowance). The base period is defined as the first four of the last five completed calendar quarters before the claim's starting date.

<sup>c</sup> This amount was 8 weeks in 2018 and will rise to 12 weeks in 2021.

The amount of leave after the birth also varies by state. California and New Jersey offer up to 6 weeks of maternity disability leave for vaginal births and 8 weeks for Cesarean birth, as well as an additional 6 weeks of caregiver leave. New York currently offers 4 to 6 weeks of maternity disability leave based on birth method and 10 weeks of caregiver leave.<sup>29</sup> Rhode Island uses a formula to determine the maximum maternity disability leave, with a cap at 30 weeks, but offers only 4 weeks of caregiver leave.<sup>30</sup>

The four states offer different degrees of flexibility. New Jersey and Rhode Island are the least flexible. Leave must be taken in weeklong blocks (Rhode Island specifies this only for blocks of leave after the first, but taking other than a whole number of weeks for the first block will therefore force some leave to remain unused). New York provides more flexibility, requiring only that leave be taken in full-day increments. California offers the most flexibility, allowing individuals to specify as part of their leave application the increments in which they choose to take leave. In all four states, any leave balance expires 12 months after the birth or adoption.

<sup>29</sup> The amount of caregiver leave was 8 weeks in 2018 and will rise to 12 weeks in 2021.

<sup>30</sup> The maximum duration of maternal disability leave is equal to 36 percent of total wages earned in the first four of the last five completed quarters, divided by 4.62 percent of the highest quarterly wages during this time.

## Corporate leave policies

Information on workplace parental leave policies comes from the SHRM 2018 Employee Benefits report [3]. To our knowledge, there is currently no publicly available aggregated information on the prevalence or specifics of flexible parental leave. Corporate leave policies are more challenging to obtain than state leave policies, because there is no obligation to publicize this information; however, some companies may do so voluntarily. In 2015, for example, Amazon provided copies of its new maternity leave policies to the press [50]. As a result, our information on workplace leave flexibility comes either from financial and business media or from job posting and review sites. These sources typically have access to workplace policies but do not provide their full text.

In 2018, 35 percent of employers responding to SHRM's annual benefits survey offered paid maternity leave (above and beyond the amount already available through state parental leave and/or short-term disability laws), 29 percent offered paid paternity leave, and 28 percent offered paid adoption leave [51].<sup>31</sup> Each of these increased by 5 percentage points relative to 2017 and by 8 to 9 percentage points relative to 2016. This is substantially higher than the 17 percent of civilian workers whom the Bureau of Labor Statistics (BLS) estimated received any form of paid family leave during the same time period [52]. This discrepancy may be due to different response rates to SHRM versus the BLS (approximately 12 percent versus 70 percent) or to the nature of firms surveyed; those with SHRM members may be disproportionately more likely to offer any given benefit than those without.

In 2019, SHRM added two questions to its annual benefits survey that asked about paid noncontinuous maternity leave: one question for birth mothers and one for all other parents [53]. Of those birth mothers who indicated they have paid parental leave, 32 percent had continuous leave, 32 percent had intermittent intervals, 11 percent had a continuous block for recuperation (convalescence), and 4 percent had a continuous block for each recuperation and

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<sup>31</sup> SHRM invited a random sample of 30,000 of their roughly 285,000 members (omitting students, international members, and those who did not list email addresses) to participate in their 2018 Employee Benefits Survey. They received 3,518 usable responses, an approximately 12 percent response rate; while they refer to their results as reflecting a percentage of companies, it is unclear whether or how they "de-duplicated" responses from multiple individuals at the same employer. While survey responses are not representative of the entire civilian workforce, they do capture a wide range of employers (31 percent had fewer than 100 employees; 7 percent had 10,000 or more). Most employers were privately owned for-profit companies, 22 percent were nonprofit, 12 percent were publicly owned for-profit companies, and 11 percent were government. Over a third of respondents were from the South, over a quarter were from the Midwest, and almost 20 percent each were from the West and the Northeast. Just under 20 percent of employers were unionized, and 16 percent had transnational employees.

bonding.<sup>32</sup> Of those new parents (other than birth mothers) who had paid parental leave, 30 percent had continuous leave and 47 percent had intermittent intervals.<sup>33</sup>

We were able to identify flexible paid parental leave at seven US-based companies.<sup>34</sup> Five are headquartered on the west coast (Amazon and Microsoft in Washington; DocuSign, Facebook, and Netflix in California), one is based in New York (Etsy), and one is based in North Carolina (Reynolds American). Reynolds American, the maker of such cigarette brands as Camel and Newport, is the only company not focused on computer-based products or services. While an exhaustive list of companies with flexible paid parental leave policies is likely impossible to generate, and while publicly available information on flexible leave may skew toward more generous policies, this illustrates a range of leave durations and degrees of flexibility.

There is a much wider range of corporate policies than state policies because companies varied not only in the amount of leave allowed but in the window in which leave could be used, to whom the policy applied, and the types of flexibility offered. While the most common window in which parental leave had to be used was one year, Etsy offered two years. Table 4 summarizes these corporate leave policies.

**Table 4. Selected corporate parental leave policies**

Company	Use Window	Maximum PCL	Maximum SCL	Flexibility Type
Amazon	1 year	20 weeks	6 weeks	Up to 2 increments
DocuSign	1 year	6 months	8 weeks	"Anytime within the first year" [56] <sup>a</sup>
Etsy	2 years	26 weeks	26 weeks	8 weeks immediately, remainder fully flexible
Facebook	1 year	4 months	4 months	"However they like" [57] <sup>a</sup>
Microsoft	Not listed	22 weeks	12 weeks	Up to 2 increments
Reynolds American	16 weeks	16 weeks	16 weeks	64 days flexible time over subsequent 8 months <sup>b</sup>
Netflix <sup>c</sup>	1 year	1 year	1 year	Unlimited Leave

Source: [50, 55-61].

<sup>a</sup> Quoted text implies that leave may be taken in any desired increments, but this is not explicitly stated.

<sup>b</sup> Flexible time allows employees to work partial days, work from home, or take full days off, provided they work at least three full days (presumably on site) over the remainder of the week. No information was provided on when employees would be able to use each version of flexible time.

<sup>c</sup> This applies to workers in Netflix's streaming division, not those in its warehouse division.

<sup>32</sup> 20 percent either chose not to answer or said "other"; total sample size for this question is 753 employees.

<sup>33</sup> 24 percent either chose not to answer or said "other"; total sample size for this question is 753 employees.

<sup>34</sup> We omitted companies that offer flexibility only through FMLA and/or previously accrued leave (e.g., US Postal Service [54]) or that publicized some degree of flexibility without providing an overall leave total (e.g., Johnson & Johnson [55]).

Four companies (Etsy, Facebook, Reynolds American, and Netflix) explicitly maintained a single amount of leave for all parents regardless of gender or how the child was acquired. These companies offered anywhere from 16 weeks (Reynolds American) to a full year of paid leave (Netflix). Amazon and Microsoft had provisions that applied specifically to birth mothers, while DocuSign offered different amounts of leave to primary and secondary caregivers without requiring that either be the birth mother. Differences between primary and secondary caregiver leave ranged from 10 weeks at Microsoft to over 12 weeks at DocuSign.

These companies also offered very different degrees of leave flexibility. Amazon and Microsoft specified a maximum number of increments in which leave could be taken, but they did not publicly specify how long any increment must last. DocuSign, Etsy, Facebook, and Netflix either explicitly allow full flexibility or implicitly do so by not mentioning a maximum number or minimum duration of increments.<sup>35</sup>

## Leave policies in foreign militaries

Civilian parental leave policies in the United States represent one clear point of comparison for those in the US military, as available civilian state or private-sector policies could affect service members' retention decisions. However, military service and readiness obligations make civilian employers an imperfect point of comparison. Thus, in addition to US private-sector policies, we summarize parental leave policies in three of the militaries most closely allied with the United States: Great Britain, Canada, and Australia.<sup>36</sup> Although these organizations are imperfect comparisons due to differing cultures and laws, they have similar missions and operational requirements. For accuracy, we use the foreign services' terminologies, rather than the terminology currently codified in US policies.

Table 5 presents an overview of military parental leave in these countries and how they compare to the United States. Additional details on each may be found in the subsequent subsections.

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<sup>35</sup> Technically, Netflix offers unlimited leave to all employees in its streaming service, so specifying unlimited parental leave in the first year after birth or adoption does not officially increase the amount of leave available. However, it does give permission to use leave for parental caregiving.

<sup>36</sup> Publicly available information on maternity policies in the New Zealand military was limited to a brochure on policies in its Navy, rather than a full list of military-wide regulations.

Table 5. Parental leave in foreign militaries (in weeks)

Leave Type		United States	Great Britain	Canada	Australia
Birth Mother	Mandatory paid leave	-	2	-	12 <sup>a</sup>
	Discretionary paid leave	12	37	52 <sup>b</sup>	8 <sup>c</sup>
	Unpaid leave	-	13	-	52
	Total	12	52	52 <sup>b</sup>	66
	Increments allowed?	No	No <sup>d</sup>	No	Yes
	Weeks until expiry	52	52	52	66
Secondary Caregiver	Paid leave	2-3 <sup>e</sup>	2	-	2 <sup>c</sup>
	Unpaid leave	-	-	37 <sup>f</sup>	64
	Total	2-3 <sup>e</sup>	2	37 <sup>f</sup>	66
	Increments allowed?	No	Yes	No	Yes
	Weeks until expiry	52	8	52	66

Sources: [62-65].

<sup>a</sup> If the birth is at the expected date, six weeks are required before the birth and six after the birth. A service member may choose to continue duty with a doctor's certificate. Days waived may be added to discretionary paid leave.

<sup>b</sup> Minus weeks of leave taken by the secondary caregiver, if the secondary caregiver is also a service member; however, 15 weeks are exclusively available to birth mothers.

<sup>c</sup> May be extended via conversion to half pay rather than full pay.

<sup>d</sup> Birth mothers may return early to implement a shared leave plan with a qualifying secondary caregiver.

Shared leave *may* be taken in increments, but it must be agreed on at least 8 weeks in advance (15 for RAF or Navy) by the service member and her chain of command.

<sup>e</sup> Two weeks for the Navy and Marine Corps, three weeks for the Army and Air Force.

<sup>f</sup> Minus weeks of leave taken by the birth mother, if the birth mother is also a service member.

## Great Britain

Information about Great Britain's Armed Forces Occupational Maternity Scheme, Armed Forces Occupational Adoption Leave Scheme, Armed Forces Occupational Paternity Leave Scheme, Armed Forces Occupational Shared Parental Leave and Pay Scheme, and Parental Leave Scheme come from chapters 24 through 28 of the Tri-Service Regulations for Leave and Other Types of Absence [62].

The British military offers maternity leave to birth mothers and adoption leave to primary adopters. For service members who meet length-of-service requirements, this leave is split into fully paid, partially paid, and unpaid segments.<sup>37</sup> Birth mothers and primary adopters may take up to 52 weeks of leave around the birth or adoption.

<sup>37</sup> Birth mothers and primary adopters who have completed at least 26 consecutive weeks of service may receive at least partial pay for the first 39 weeks. Those who have completed a year of continuous service may have the first 26 weeks of leave supplemented to full salary if they commit to return to service for at least as many weeks as they received full pay, though this requirement may be waived due to medical or compassionate discharge.

Birth mothers have great flexibility in when they start maternity leave, but must take it in a single block. Maternity leave may not begin more than 11 weeks before the expected week of childbirth, but may begin at any point between that date and the birth.<sup>38</sup> The two weeks following the birth must be used for maternity leave. Prior to taking maternity leave, expectant mothers are entitled to “reasonable time off” for medical examinations or parent-craft classes, though attendance costs are not covered [62].

Similar to current US military parental leave policy, after maternity or adoption leave begins, a return to duty voids any remaining maternity or adoption leave. The exception to this is that service members may use up to 10 “Keeping in Touch” days, during which they are permitted to work at full pay (including any travel expenses) to train and keep abreast of major developments. These count as days of maternity or adoption leave and may be taken at any time except during the two weeks of compulsory leave but must be agreed on by the service member and CO. Mothers and primary adopters also are permitted “reasonable contact” with their COs or line managers [62].

Mothers may not be recalled from maternity leave. Adoptive parents may have adoption leave deferred “for exceptional Service reasons,” but leave must then be granted “as soon as possible thereafter, when operational circumstances permit” [62]. Adoptive parents also may be recalled, but only in emergencies where their absence will affect operational effectiveness.

Secondary caregivers are entitled to paternity leave, provided that they are the child’s father; the spouse, civil partner, or partner of the child’s mother or primary adopter; or the secondary intended parent of a child through surrogacy. Secondary caregivers must have served at least 26 continuous weeks to qualify for paternity leave. Paternity leave may not begin before the child is born or placed, and may be taken as one two-week block or two one-week blocks within 56 days of birth or placement. Secondary parents also may take up to two days of paid leave to accompany the mother to prenatal or preadoption appointments. Parents may be recalled from paternity leave or have it deferred under the same guidelines as primary adopters.

While returning to duty voids any remaining maternity or adoption leave, a mother or primary adopter may do so to take advantage of shared parental leave. In this arrangement, the primary parent may curtail his or her leave any time after the mandatory two weeks, donate a portion to the secondary parent, and retain some for his or her own use. Shared leave must be booked at least 15 weeks in advance for the RAF or Navy, and at least eight weeks in advance for the Army. Service members may take shared leave noncontinuously, but they must take it in weeklong increments. Shared leave may be taken by both parents concurrently.

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<sup>38</sup> Special paid leave exists for women whose duties would endanger their or their child’s health or safety, and who cannot be given suitable alternative work. This leave does not count towards maternity leave limits, though women who use it must begin their maternity leave by the fourth week before their expected week of childbirth.

Continuous shared leave must be approved, unless for exceptional Service reasons. Noncontinuous leave must be agreed on by both the service member and his or her CO; if it cannot be agreed on, the same amount of leave will be authorized in a continuous block starting on the same date unless the request is withdrawn and a new one submitted. Service members may submit up to three requests for shared leave. Shared leave pay is treated the same as maternity or adoption leave pay, though all have earnings requirements that are typically moot for service personnel. Every week of paid shared leave incurs a return-to-service obligation, regardless of who uses it. Service members using shared leave may use up to 20 “Keeping in Touch” days.

Service members who have served continuously for at least one year also are entitled to 18 weeks of unpaid leave per child to be used at any time before the child’s 18th birthday (though no more than 4 weeks may be used in any given year). This leave must be intended to benefit the child, though this permits a wide range of reasons for its use.

## Canada

Information on Canada’s Maternity Leave and Parental Leave policies comes from chapter 16 of the Queen’s Regulations and Orders and chapter 205 of the Compensation and Benefits Instructions [63-64].

Canada’s military provides maternity leave for officers and enlisted active and full-time RC service members. Maternity leave may begin 8 weeks prior to the expected date of birth, and must end within 18 weeks of the birth. Mothers may be directed to return to service “because of imperative military requirements”; if so, eligibility for unused maternity leave will be extended but must end within 52 weeks of the birth [63].

All parents are eligible for parental leave. Birth mothers can supplement their maternity leave up to a combined total of 364 days; other parents may take up to 37 weeks of parental leave. New parents other than birth mothers qualify for parental leave if they have care and custody of one or more newborn biological children, start legal proceedings to adopt one or more children, or obtain an order for the adoption of one or more children. Parental leave must be used within 52 weeks of initial eligibility.<sup>39</sup> If both parents serve in the military and neither is the birth mother, their combined leave may not exceed 37 weeks; if either is the birth mother, their combined leave may not exceed 52 weeks. Parental leave may be deferred for a parent recalled for imperative military requirements, as with maternity leave.

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<sup>39</sup> It does not specify whether 37 weeks of parental leave for secondary parents may be spread over the 52-week period or whether this provision applies strictly to birth mothers.

Service members may be eligible for military pay in addition to Canada's parental employment insurance benefit. To receive this pay, a service member must have served for more than 180 continuous days prior to the child's birth, adoption order, or placement; must qualify for employment insurance based on military service alone; and must commit in writing to completing both his or her service obligation and an additional period equal to the duration of parental leave pay.<sup>40</sup> Birth mothers may receive up to 364 days of pay, while other parents may receive up to 259 days of pay.<sup>41</sup> The amount paid is approximately 93 percent of the service member's total salary, with the military covering any amount in excess of employment insurance.

## Australia

Information on Australia's Maternity Leave and Parental Leave policies comes from chapter 5, parts 6 and 7 of the Pay and Conditions Manual [65].

Australia offers 52 weeks of maternity leave for both its AC and RC. While service members must apply for maternity leave, it is considered an entitlement and cannot be denied. This includes a period beginning 6 weeks before the expected date of birth and ending 6 weeks after the birth, during which a service member must either take leave or request an exemption (with a doctor's certification). A service member's leave eligibility lasts for 52 weeks from the first day of maternity leave taken; those who return to service before 52 weeks have passed are eligible to resume maternity leave during this time.

Service members who have completed 12 months of qualifying service are entitled to 14 weeks of paid maternity leave. These must be used at the beginning of maternity leave; unused paid leave is lost.<sup>42</sup> This supplements the Commonwealth's parental leave pay provisions. Service members may opt to take part of their paid leave at half pay; for every day switched to half pay, an unpaid day may be switched to half pay. Service members may substitute other forms of paid leave for unpaid maternity leave, as some leave may expire if unused within some duration. Service members also may take unpaid parental leave after their maternity leave concludes, up to a total of 66 weeks of all forms of leave.

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<sup>40</sup> There are exceptions for service members who die or are released under medical grounds, because of a reduction in strength, or because they are not advantageously employable.

<sup>41</sup> Up to 14 of these days apply to waiting periods under Canada's Employment Insurance Act.

<sup>42</sup> Service members who complete a year of service during maternity leave become eligible for remaining paid leave (e.g., a service member who completes a year of service after 4 weeks of leave may receive pay for the next 10).

AC service members other than birth mothers are eligible for two weeks of paid parental leave with salary and 64 unpaid weeks.<sup>43</sup> Either or both of the paid weeks may be converted to 2 weeks at half pay. Leave may be taken nonconsecutively, but must be in 1-week increments of full pay and/or 2-week increments of half pay. Receipt of the Commonwealth's parental leave pay does not affect whether leave is treated as paid or unpaid.

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<sup>43</sup> The maximum amount of leave is lowered correspondingly if the service member's dependent spouse also takes parental leave or if the service member or his or her dependent spouse takes military or civilian maternity leave.

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## Abbreviations

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AC	active component
AML	Additional Maternity Leave
CGAA	Coast Guard Authorization Act
CO	commanding officer
DACOWITS	Defense Advisory Council for Women in the Service
DoD	Department of Defense
DODI	Department of Defense Instruction
DoN	Department of the Navy
DTM	Directive Type Memorandum
FMLA	Family Medical Leave Act
FY	fiscal year
IPPS-A	Integrated Personnel and Pay System-Army
IT	information technology
MCL	maternity convalescent leave
MCO	Marine Corps Order
MCTFS	Marine Corps Total Force System
MOL	Marine OnLine
MOS	Military Occupational Specialty
MPLP	Military Parental Leave Program
NCO	noncommissioned officer
NDAA	National Defense Authorization Act
NSIPS	Navy Standard Integrated Personnel System
OPM	Office of Personnel Management
PCL	primary caregiver leave
RAF	Royal Air Force
RC	reserve component
SCL	secondary caregiver leave
SEAL	Sea, Air, and Land
SecDef	Secretary of Defense
SHRM	Society for Human Resource Management
SME	subject matter expert

U.S.C.	United States Code
USCG	United States Coast Guard
USD P&R	Under Secretary of Defense for Personnel and Readiness

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