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June 25, 2015

MEMORANDUM FOR DLA EXECUTIVE BOARD

SUBJECT: Directive-Type Memorandum (DTM) [15-009] – DLA Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care

References: (a) DLA Instruction 1424.01, Leave, dated July 3, 2013
(b) Office of Personnel Management Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption and Foster Care, dated April 15, 2015

Purpose. This DTM immediately amends the referenced DLA Instruction 1424.01 Leave. The primary intent is to ensure that all employees have paid time off available for childbirth, adoption, and foster care. The President directed all Federal agencies, to the extent permitted by law, to ensure that discretionary benefits are used to the maximum extent practicable, including advancement of sick or annual leave, donated annual leave under the voluntary leave transfer program, and leave without pay. Further, to the extent permitted by law, the President has directed all Federal agencies to (1) offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child or for other sick leave eligible uses, and (2) offer the maximum amount of advanced annual leave, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child. For more information, see the latest Office of Personnel Management (OPM) guidance in the [Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care](#).

Applicability. This DTM applies Enterprise-wide to DLA employees. If this DTM conflicts with any collective bargaining agreement, the bargaining agreement shall prevail.

Procedures.

a. Sick Leave– is an entitlement that employees may use for personal medical needs including while pregnant or recovering from childbirth, to care for a family member who is pregnant or recovering from childbirth, to care for a family member with a serious health condition, or for general family care purposes such as well-baby doctor visits or illnesses. An employee is entitled to use sick leave for the purposes related to his or her adoption of a child, examples of such adoption-related purposes and facts related to sick leave for adoption are located in reference b. An employee may not use sick leave to be absent from work to bond with or care for a healthy newborn or healthy adopted child. Employees are entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes.

For more information, see the OPM fact sheet on [Sick Leave \(General Information\)](#), [Sick Leave for Family Care or Bereavement](#), and [Sick Leave to Care for a Family Member with a Serious Health Condition](#).

b. Advanced Sick Leave– is requested by the employee. In connection with the birth or adoption of a child or for other sick leave eligible purposes, the agency must grant advanced sick leave to the maximum extent practicable, in accordance with sick leave laws and regulations and consistent with mission needs. Because advanced sick leave must be repaid, the approving official should not advance sick leave when it is known (or reasonably expected) that the employee will not return to duty. New employees are eligible to receive advanced sick leave. (For more information, see OPM fact sheet on [Advanced Sick Leave](#))

c. Advanced Annual Leave– is also requested by the employee. Advanced annual leave should be granted to the maximum extent practicable, in accordance with annual leave laws and regulations and consistent with mission needs as outlined in reference b for purposes related to pregnancy and childbirth. Annual leave may be advanced up to the amount of annual leave an employee would accrue during the remainder of the leave year. New employees are eligible to receive advanced annual leave. Because advanced annual leave must be repaid, an agency should not advance annual leave when it is known, or reasonably expected, that the employee will not return to duty. For more information, including information on repayment options, see the OPM fact sheet on [Advanced Annual Leave](#).

d. Family and Medical Leave (FMLA)– employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period as outlined in reference b. Sick leave and FMLA leave are two separate entitlements. An employee does not need to invoke FMLA to use sick leave to recover or care for a family member who is recovering from childbirth. Each parent is entitled to use FMLA leave for the birth of a child and care of the newborn. An employee’s entitlement to FMLA leave relating to the birth/adoption/foster care of a child expires 12 months following the date of birth of a child.

An employee is entitled to FMLA leave for the purpose of adoption or placement of a child with the employee for adoption or foster care and care of the child during any 12-month period.

FMLA leave is unpaid leave. However, in order to remain in a pay status during FMLA leave, an employee may elect to substitute accrued, accumulated, or advanced annual or sick leave or annual leave donated under the Voluntary Leave Transfer Program, for any unpaid leave under the FMLA, consistent with current laws and OPM’s regulations for using such leave.

e. Leave Sharing Program– An employee may be eligible to apply for and receive donated annual leave as described in reference a, enclosure 2, Voluntary Leave Transfer Program. An employee is not required to use advanced annual leave or advanced sick leave before receiving donated annual leave under the leave transfer programs.

f. Leave Without Pay– An employee may request leave without pay (LWOP) to be absent from work for purposes related to pregnancy and childbirth. An employee may request LWOP without invoking FMLA, even if he or she has available paid leave. Employees may request leave without pay for a longer period than what is provided for under the FMLA, to the maximum extent practicable for pregnancy and childbirth. LWOP can be used in addition to the flexibilities that are already available, subject to reference a, and any applicable collective bargaining agreement.

Releasability. UNLIMITED. This DTM is approved for public release.

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