

## MILPERSMAN 1050-415

### PARENTAL LEAVE PROGRAM

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<b>References</b>	<p>(a) CNO WASHINGTON DC 211800Z JUN 18 (NAVADMIN 151/18)</p> <p>(b) 10 U.S.C, §701</p> <p>(c) DoD Instruction 1327.06 of 16 June 2009</p> <p>(d) 10 U.S.C., §1052</p> <p>(e) DoD Instruction 1341.09 5 July 2016</p> <p>(f) 8 U.S.C. §1431</p> <p>(g) 8 U.S.C. §1433</p> <p>(h) OPNAVINST 1754.4A</p> <p>(i) 2017 Navy Physical Readiness Program, Managing Physical Fitness Assessment Records for Pregnant Servicewomen</p>
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1. **General Policy.** This article consolidates and establishes policies per references (a) through (i) for non-chargeable leave entitlements for Service members in connection with a birth or adoption of child dependent(s). Ordinary regular leave requests may be granted in conjunction or sequence with leave authorized herein at the discretion of the Service member's commanding officer (CO) and Service member's available leave balance.

2. **Cancellation.** [NAVADMIN 151/18](#) cancelled MILPERSMAN 1050-420 Adoption Leave, 1050-430 Paternity Leave, and 1050-435 Maternity Leave. This article covers the policies and guidelines of that NAVADMIN in full. For Board for Correction of Naval Records requests related to events that occurred on or before 22 December 2016, historical records of MILPERSMAN articles may be found at Bureau of Naval Personnel (BUPERS) Directives, Printing, and Publications Branch (BUPERS-01).

3. **Covered Service Members**. All Active Component (AC) members, and Reserve Component (RC) members performing active duties or those mobilized for more than 12 consecutive months who are parties to a qualifying event outlined herein.

4. **Definitions**

a. Birthparent. The parent who physically gives birth.

b. Qualifying Birth Event (QBE). Any live birth to a Service member or member's spouse or partner. Multiple births occurring within the same 72-hour period will be treated as a single QBE.

c. Qualifying Adoption (QA). An adoption arranged by a qualified adoption agency per reference (d) for which a Service member is eligible for reimbursement of qualified adoption expenses per reference (h). This event may also include a child who is birthed by another person and legally surrendered to a Service member, member's spouse, or partner (e.g., surrogate; see paragraph 9 of this article for surrogacy guidance).

d. Maternity Convalescent Leave (MCL). A 6-week, non-chargeable leave period for birthparent Service members commencing the first full day following discharge or release from the hospital (or similar facility) following the QBE. The intent of MCL is for the physical recovery of the member birthparent. During this time the Service member is not subject to command recall. MCL is not authorized for QAs.

e. Primary Caregiver (PC). Parent designated with the primary responsibility of caring for a child, normally the birthparent.

f. Primary Caregiver Leave (PCL). A 6-week (42-day), non-chargeable leave period for the designated PC following a QBE or QA.

g. Secondary Caregiver (SC). The parent not designated as the PC.

h. Secondary Caregiver Leave (SCL). A 2-week (14-day), non-chargeable leave period for the designated SC following a QBE or QA.

5. **Effective Date.** This article applies to QBEs and QAs occurring on or after 23 December 2016. Paragraph 16 of this article provides amplifying policies for QBEs and QAs that occurred from 23 December 2016 through 22 March 2018.

6. **Designation of PC and SC**

a. Designations of PC and SC, under normal circumstances, should occur 60 days in advance of the expected QBE or QA and must be documented on a permanent [NAVPERS 1070/613](#) Administrative Remarks (commonly known as a page 13). Command administrative offices will maintain a copy and send a copy to Navy Personnel Command (NAVPERSCOM) Records Management Policy Branch (PERS-313) for inclusion into the Service member's official military personnel file.

(1) When generating the page 13, ensure selection of the "Permanent" check box.

(2) The following is a basic template for designating Service members: "I, [Service member], am being designated as [primary/secondary] caregiver for the qualifying [birth event/adoption] that [occurred/is expected] on [date] and will be entitled to [42 days of primary/14 days of secondary] caregiver leave. I understand that this leave is to be executed in a single increment. I understand that I am not to violate leave combination rules as outlined in [MILPERSMAN 1050-010](#) and other leave policies. I further understand that if I fail to commence [primary/secondary] caregiver leave by the expiration date of [Date + 1 year] the leave will be forfeited." A command may add amplifying information as appropriate (e.g. for deferment of leave due to operational requirements as outlined in paragraph 7 of this article).

b. Only one PC and SC will be authorized per QBE and QA.

c. Service members will not be authorized designation as both PC and SC for any single QBE or QA.

d. If dual military, then one Service member will be designated as the PC and the other will be designated as the SC. PC designations will normally be the birthparent for QBEs or the Service member with the least operational assignment for QAs.

e. COs must not deny a birthparent Service member from electing the PC designation.

f. For a non-birthparent Service member to be designated as the PC, the non-military birthparent must be unavailable through circumstances such as, but not limited to: death, ruled medically incapacitated by a competent medical authority, ruled by court as unfit and physical custody given to the military parent, or incarceration. Circumstances outside these must be evaluated and approved by the Service member's CO before PC status is bestowed upon a non-birthparent Service member.

g. A Service member designated as the SC may be redesignated as the PC under the same policies outlined in subparagraph 6f of this article.

h. For children born outside of marriage, the non-birthparent Service member's parentage must be established. Proof of parentage may include, but is not limited to

(1) being listed with consent as a parent on the child's birth certificate or other government issued document,

(2) acknowledgement in writing of an obligation to support the child by court order, or

(3) registration or pending registration in the Defense Enrollment Eligibility Reporting System (DEERS) (normally within 30 days of the birth).

**Note:** Birthparents are not required to establish proof of parentage.

i. For QAs, the Service member is normally the SC. The Service member may be redesignated as the PC under similar policies outlined in subparagraph 6f of this article.

7. **Deployments**. Designation as a PC or SC is authorized at any time. The following are effects that deployments may have on the execution of PCL or SCL:

a. Currently deployed Service members normally should defer PCL or SCL until completion of the deployment. Execution of PCL or SCL for Service members on a deployment may occur at COs approval based on operational requirements.

b. Service members within 3 months of deploying may:

(1) defer PCL or SCL until completion of deployment; or

(2) upon approval by the CO, and only after being designated as SC, utilize that leave.

c. Deferred PCL and SCL will not count towards the expiration date from the QBE or QA as defined in subparagraphs 14c and 16a of this article.

8. **QBE Limitations**. As briefly defined in subparagraph 4d of this article, MCL is a 6-week non-chargeable leave period for birthparent Service members commencing the first full day following discharge or release from the hospital (or similar facility) following a QBE. It is emphasized that no leave in this article is authorized in cases of stillborn, miscarriage, or where live children are given for adoption, or there is intent for adoption following the birth. These cases fall under regular convalescent leave as prescribed by the primary care physician or medical provider per reference (c).

9. **Surrogacy**

a. Service members are not authorized to be a surrogate.

b. In cases where the Service member's non-member spouse or partner is a surrogate, the Service member will not be authorized PCL or SCL.

c. In cases where the Service member or member's spouse or partner uses a surrogate to acquire children this will be treated as a QA. See paragraph 10 of this article for QA guidance.

10. **QA Guidance**

a. Per references (d), (e), and (h), adoption of a child under 18 years of age may qualify as a QA when arranged by

(1) a State or local Government agency which has responsibility under State or local law for a child placement through adoption;

(2) a nonprofit, voluntary adoption agency which is authorized by State or local law for a child placement through adoption;

(3) any other source authorized by a State to provide adoption placement if the adoption is supervised by a court under State or local law; or

(4) a foreign government or agency authorized by a foreign government for a child placement through adoption in cases which

(a) the adopted children are entitled to automatic citizenship per reference (f); or

(b) a certificate of citizenship has been issued for such children as defined in reference (g).

b. When children are added to a Service member's family via adoption, PC or SC designation may be authorized with corresponding entitlement to PCL or SCL. MCL is not authorized for QAs.

11. **MCL Guidance**. MCL is only authorized for QBEs as defined in paragraphs 4b and 8 of this article.

a. MCL must not be disapproved by a CO.

b. MCL will commence the first full day following the date of the birthparent Service member's discharge or release from the hospital (or similar facility) where the QBE occurred.

c. MCL must be completed before commencing PCL or SCL.

d. MCL is limited to 6 weeks unless additional days are recommended due to a diagnosed condition stated in writing by the medical provider and approved by the Service member's CO. PCL or SCL for birthparent Service members will be reduced day-for-day for any extensions to MCL under this subparagraph.

e. Birthparent Service members executing MCL as defined in this article may, with their physician's concurrence, terminate their MCL status before using all 42 days. Any remaining MCL after this election is forfeited. PCL or SCL is not authorized to be extended if MCL is terminated early. PCL or SCL may commence the first day after the early termination.

12. **PCL Guidance**. A 6-week (42-day), non-chargeable leave period for the designated PC following a QBE or QA.

a. If the birthparent is designated as PC, then the birthparent must complete MCL before commencing PCL.

b. If dual military and the non-birthparent is designated as PC, then both may commence in tandem with birthparent MCL.

c. If a Service member is redesignated to PC from SC under the authority of subparagraph 6g or 6i of this article, then any SCL used at the time of redesignation will be reduced day-for-day from PCL (e.g., Service member used all 14 days of SCL and was redesignated PC due to a COs approved justification in per paragraph 6g or 6i. The Service member can only receive 28 additional days).

(1) This authority is to be used only in deserving cases. It must not be used to alleviate mismanagement of leave balances, as a reward for performance, to authorize leave that would normally be regularly charged leave, or as any other kind of benefit not related to the deserving case of being redesignated from SC to PC to care for children.

(2) The Service member must receive authorization for this election and commence remaining PCL within the time limits detailed in paragraph 14 of this article.

(3) In dual military couple situations where the SC is redesignated to PC due to the other Service member losing PC status under similar conditions outlined in paragraph 6f, 6g, or 6i, PCL is reduced day-for-day for any executed PCL from the originally designated PC Service member. The originally designated PC is not entitled to any additional leave authorized in this article.

13. **SCL Guidance**. A 2-week (14-day), non-chargeable leave period for the SC following a QBE or QA.

a. A birthparent who elects designation as SC must complete MCL before commencing SCL.

b. The non-birthparent designated as SC, then they may commence in tandem with birthparent MCL.

14. **Limitations**

a. Dual military Service members are not authorized to transfer or share MCL, PCL, or SCL days.

b. Each leave period (MCL, PCL, or SCL) must be taken in one increment, i.e., once MCL commences, the Service member must take all 6 weeks consecutively.

c. PCL or SCL that has not started will expire 1 year following a QBE or QA.

d. Unused MCL, PCL, and SCL will be forfeited upon separation from active service.

e. Eligible RC Service members will not be authorized to extend on active duty or active duty orders for the purpose of using MCL, PCL, or SCL. AC Service members may be extended on active duty following a QBE when determined medically necessary by a competent medical authority and if approved for Career Waypoint-Reenlistment pursuant to [MILPERSMAN 1160-140](#) and associated references of that article.

f. Navy-Wide Advancement Examination (NWAE)

(1) MCL is an authorized reason for ordering a substitute exam when the leave does not permit administration on the regularly scheduled NWAE date.

(2) PCL and SCL may be authorized justifications for a late NWAE under and within the guidelines, limitations, and timelines outlined in published exam cycle messages.

g. Physical Fitness Assessment (PFA).

(1) The authorized deferment period from participating in the PFA as listed in reference (i), or any future PFA update begins the first day immediately following completion of MCL.

(2) Utilization of PCL and SCL are not justifications for non-participation in PFAs.

15. **Leave Accrual**. Exceptions to the 60-day maximum carryover of regularly accrued leave, per reference (c) and [MILPERSMAN 1050-070](#), will not be authorized because the use of MCL, PCL, or SCL precluded full use of regular leave. Service members are encouraged to monitor their leave balances and request regular leave prior to using non-chargeable leave days.



16. **Retroactive Period Exceptions.** Service members who experienced a QBE or QA on or after 23 December 2016 to 22 March 2018 are subject to retroactive period exceptions. These eligible Service members are entitled as above with the following authorized exceptions:

a. Remaining PCL or SCL not started will expire 18 months after the QBE or QA. A Service member who cannot commence PCL or SCL by the expiration date must contact OPNAV N130C for guidance.

b. Service members who executed or are executing the 12 weeks of maternity leave under MILPERSMAN 1050-435 must be designated only as PC and will not be authorized additional MCL or PCL days.

c. Service members that are part of a dual military couple may be retroactively designated as a PC or SC per paragraph 6 of this article.

d. Eligible Service members who executed 10 days of paternity leave or 21 days of adoption leave as authorized in previous policies of MILPERSMAN 1050-420 and 1050-430 may be retroactively designated as PC or SC per paragraph 6 of this article. These Service members may be authorized a total of 42 days of PCL or 14 days of SCL, respectively. Such totals may include regular leave executed in conjunction with the paternity or adoption leave. These Service members may request to either execute remaining PCL or SCL or be reimbursed regular leave used in connection with the QBE or QA in an amount not to exceed PCL or SCL limits. Any executed paternity or adoption leave days will count towards the PCL and SCL limits.

(1) Example reimbursement: Service member executed 14 days of leave following a QBE that occurred on or after 23 December 2016 to 22 March 2018 as follows: 10 days of paternity leave; and 4 regular leave days in connection with paternity leave. The Service member is now designated as SC per paragraph 6 of this article. The Service member may request that the 4 days of regular leave be reimbursed to the Service member's leave balance. Upon approval, these charged 4 days of regular leave are reimbursed to the Service member and then the days will be considered part of the 14 days of SCL. Reimbursement is not authorized for days not taken in connection with the QBE or QA.

(2) Example execution: Service member executed 21 days of adoption leave following a QBE that occurred on or after 23 December 2016 to 22 March 2018. The Service member is now designated as PC per paragraph 6 of this article. The Service member may request to execute PCL. Upon approval, the member may execute the remaining 21 days of PCL. The Service member must start any remaining leave before the 18-month expiration or forfeit the remaining leave under the same guidance of subparagraph 16a.

e. Service members no longer on active duty as of 22 March 2018 will remain subject to MILPERSMAN 1050-420, 1050-430, and 1050-435. Leave recalculations are not authorized.

f. No waivers or exceptions to policy to the provisions of this section will be accepted or authorized for QBEs or QAs in or after March 2017.

17. **Processing MCL, PCL, and SCL Requests.** MCL, PCL, and SCL must be requested through e-Leave in Navy Standard Integrated Personnel System (NSIPS). Until NSIPS is fully updated to include the MCL, PCL, and SCL options, requests should be selected as "Convalescent" with full annotation in the "comment" section clarifying purpose for leave either MCL, PCL, or SCL. Leave approvers will be responsible for ensuring proper authorized days of MCL, PCL, and SCL outlined in this article are not exceeded. Commands not on e-Leave with NSIPS will manually track MCL, PCL, and SCL until the command begins utilizing e-Leave.