

MILPERSMAN 1050-435

MATERNITY LEAVE

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Reference	(a) SECDEF 16-002 of 5 Feb 2016 (DTM) (b) DoD Instruction 1327.06 of 16 June 2009 (c) SECNAV WASHINGTON DC 051937 2 Aug 16 (ALNAV 053/15) (d) CNO WASHINGTON, DC 251858 2 Feb 16 (NAVADMIN 046/16) (e) CNO WASHINGTON, DC 251858 2 Aug 16 (NAVADMIN 182/15) (f) OPNAVINST 6000.1C (g) COMNAVRESFORINST 6000.1 (h) SECNAVINST 1800.2 (i) OPNAVINST 1900.4 (j) NAVSO P-6034, Joint Travel Regulations (JTR) (k) BUPERSINST 1430.16F
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1. Policy

a. Maternity leave policy is governed by references (a) and (b). This article supersedes the initial Navy policy established per reference (c) and provides guidance regarding new Department of Defense-wide policy established per reference (a).

b. The purpose of maternity leave is to allow a Service member to recover after childbirth and to have time to bond with her newborn. During this time the Service member is not subject to command recall.

2. Eligibility

a. Per reference (b), a Service member who experienced a birth event on or before 31 December 2014 was entitled to **42 days** of maternity leave.

b. Per policy established in references (a) and (d), commanding officers (COs) must grant **84 days** of maternity leave to a Service member with a confirmed date of conception on or after 4 March 2016. The 84 days must be taken consecutively, and will commence immediately upon the Service member's discharge from the hospital following child birth. Detailed guidance regarding the new 84-day maternity leave policy is outlined in paragraph 3 below.

c. Per policy established in references (c) and (e), COs must grant up to **126 days** of maternity leave and additional maternity leave to a Service member on active duty who has given birth to a child on or after 1 January 2015, or has a confirmed date of conception that is on or before 3 March 2016, as requested by the member.

d. For birth events that occur with the unexpected loss of life of the newborn or where the Service member gives up custody of the newborn, the Service member's health care provider will determine the amount of convalescent days the Service member requires to return to full duty.

e. Per reference (a) "birth event" definition, Service members who do not give birth are not eligible for maternity leave.

f. Adoption leave policy is outlined in MILPERSMAN 1050-420.

g. Active Component Service members are not authorized to extend on active duty for the purpose of utilizing maternity leave and or additional maternity leave.

3. Eighty-Four-Day Maternity Leave Policy Guidance

a. Per references (a) and (d), COs must grant 84 days of maternity leave to a Service member with a confirmed date of conception on or after 4 March 2016. The Service member's date of pregnancy must be determined by the Service member's health

care provider. The 84 days must be taken consecutively and will commence immediately upon the Service member's discharge from the hospital following childbirth.

b. Selected Reserve (SELRES) and Individual Ready Reserve (IRR) Service members who give birth while serving on continuous active duty of at least 12 months (original orders duration of 12 months or modification to original orders ensuring active duty is continuous for at least 12 months) and who have less than 84 days left until orders expiration, will, at their request, be extended on active duty for the purpose of taking maternity leave.

4. One Hundred Twenty-Six-Day Maternity Leave Policy Guidance

a. Per references (c) and (e), COs must grant up to 126 days of maternity leave to a Service member, including eligible Service members of the Reserve Component, on active duty who experience a birth event on or after 1 January 2015 or have a confirmed date of conception on or before 3 March 2016. The Service member must use this leave within the first year of the child's birth.

b. Under this policy, the total leave authorized is broken into two classifications:

(1) Maternity consisting of the 42 days of leave taken immediately after Service member's discharge from the hospital following birth; and

(2) Additional maternity leave consisting of the remaining 84 days of leave to allow additional time for the Service member to bond with her newborn. Any extension to the 42-day maternity leave period will be deducted from the approved additional maternity leave and will not exceed 126 days in total.

c. COs must grant 126 continuous days of maternity leave and additional maternity leave under this policy immediately following the Service member's discharge from the hospital following a childbirth, if requested by the Service member.

d. Should a Service member desire not to take the entire 126 days immediately after discharge following childbirth, then additional maternity leave may be taken in multiple blocks with

a mutually-agreeable plan between the Service member and chain of command. To ensure all eligible Service members have the equivalent of 12 weeks of additional maternity leave, additional maternity leave must be calculated based on work days. Using the standard 42-day maternity leave period:

(1) Service members who normally work 7 days per week will receive 84 working days of additional maternity leave.

(2) Service members who normally work 5 days per week will receive 60 working days of additional maternity leave. These Service members are also entitled to 24 non-working days of additional maternity leave (regular and special liberty to include weekends and holidays) for a total of 84 days of additional maternity leave. Commands are required to track how many work and non-work days of additional maternity leave a member has taken; not to exceed the amounts listed in this section.

e. Each Service member eligible for this leave must be permitted to use the entire balance of the leave within the time prescribed.

f. If a second child is born prior to the Service member using all additional maternity leave from a previous birth, the amount of maternity leave and additional maternity leave resets to 126 days, provided the confirmed date of the subsequent pregnancy is on or before 3 March 2016. Additional maternity leave from the birth of one child cannot be added to additional maternity leave for the birth of a subsequent child.

g. Maternity leave and additional maternity leave consist of up to 126 days for single and multiple births. Multiple children resulting from a single pregnancy (e.g., twins or triplets) will be treated as a single event, so long as the multiple births occur within the same 72-hour period.

h. Unused additional maternity leave will be lost upon separation from active duty. Non-chargeable leave, including additional maternity leave, cannot be sold back upon separation.

i. Maternity leave and additional maternity leave cannot be used during a permanent change of station (PCS), as the pay system cannot account for non-chargeable leave for a Service member in PCS status. Maternity leave and additional maternity

leave must be taken before out-processing from the old command and or after in-processing to the new command.

j. Maternity leave and additional maternity leave may be taken as, or combined with, separation leave at the Service member's request and upon approval by the CO.

k. There are no geographic restrictions on the location of maternity leave and additional maternity leave, although requests must be approved by the Service member's CO. Service members are encouraged to consider requirements for well-baby medical appointments e.g., when requesting leave for a location not in the vicinity of their permanent duty station (PDS)).

l. Guidance Specific to SELRES and IRR Service Members

(1) SELRES and IRR Service members who become pregnant while serving on active duty orders may remain on active duty, subject to pregnancy policy outlined in references (f) and (g). COs must make their determination to retain pregnant SELRES Service members on active duty independent of pregnancy, maternity leave, or additional maternity leave entitlements.

(2) For the purposes of taking maternity leave and or additional maternity leave, only two types of active duty orders may be extended - definite recall or mobilization. Reserve Service members who give birth while serving on definite active duty recall or mobilization orders, and are projected to reach estimated date of departure or expiration of active obligated service (EAOS) prior to the full maternity leave and or additional maternity leave entitlement being utilized, will be extended on active duty, at their request, for the purposes of taking maternity leave or additional maternity leave in its entirety. Definite active duty recalls are to specific billets funded by either Military Personnel, Navy (MPN) or Reserve Personnel, Navy (RPN) accounts. Mobilization orders are to either specific global force management (GFM) requirements or to GFM support (Service-to-Service augment) billets and are generally in support of a named contingency. Annual training, active duty for training, and active duty for special work are not considered definite active duty recall or mobilization orders. Any extension authorized due to maternity leave and or additional maternity leave would end on expiration of the Service member's additional maternity leave.

(3) Maternity leave and additional maternity leave will not impact post-deployment mobilization respite absence (PDMRA) and accrued leave which are governed by MILPERSMAN 1050-272 and MILPERSMAN 1050-010 respectively. When taken at the conclusion of active duty orders (e.g., Service member will not return to assignment following maternity leave and or additional maternity leave), maternity leave and additional maternity leave will be taken consecutively with any accrued separation leave and PDMRA.

(4) Computation of other benefits or entitlements (e.g., severance pay and sanctuary) will be based on original order end date. Extensions on active duty, for the purpose of maternity leave and additional maternity leave, will not trigger any additional entitlements per references (h) and (i). Additionally, all long term temporary duty orders (TDY) in excess of 180 days, and all long-term TDY in one geographic location in support of contingency operations in excess of 365 days require approval through the secretarial process, per reference (j), due to the entitlements associated with such TDY. Requests should annotate "entitlement to maternity leave" on any secretarial correspondence required due to TDY limitations which conflict with the ability to grant maternity leave and or additional maternity leave in its entirety.

5. Navy-Wide Advancement Examination (NWAE)

a. NWAE Impact on Maternity Leave. Maternity leave is an authorized reason for ordering a substitute exam when the maternity leave does not permit administration on the scheduled NWAE date. A substitute exam can be ordered for administration prior to or following the maternity leave, as per dates delineated in the applicable affected NWAE cycle NAVADMIN.

b. NWAE Impact on Additional Maternity Leave

(1) Additional Maternity Leave Taken Consecutively with Maternity Leave. Additional maternity leave is an authorized reason for ordering a substitute exam when execution of maternity leave and or additional maternity leave does not permit administration on the scheduled NWAE date and the maternity leave and additional maternity leave period does not exceed the substitute exam ordering window.

(2) Additional Maternity Leave Taken in Blocks. Service members who are taking additional maternity leave in blocks are

required to be present at the examination site on the regularly scheduled NWAE examination date if NWAE-eligible and not medically incapacitated. If a Service member requests additional maternity leave during the timeframe of the NWAE, the Service member and their chain of command are responsible for coordinating a leave plan that ensures the Service member is available and present for the scheduled examination. If the scheduled NWAE date falls within a requested additional maternity leave period, the Service member is authorized to break up the additional maternity leave to account for the day used during exam administration.

c. NWAE Policy Updates. NWAE policy updates will be included in NWAE NAVADMINS or on the next update to reference (k).

6. **Leave Accrual**. Service members may not always be able to take all available annual leave. Exceptions to the 60-day maximum carryover of annual leave, per reference (b) and MILPERSMAN 1050-070, will not be granted because use of additional maternity leave precluded full use of annual leave. To prevent loss of annual leave, Service members are encouraged to monitor their leave balances and request regular leave prior to using additional maternity leave. COs must make every effort to accommodate use of this leave at the Service member's request.

7. **Tracking Maternity Leave and Additional Maternity Leave**

a. Service members must request maternity leave and additional maternity leave in the Navy Standard Integrated Personnel System (NSIPS) selecting "Maternity Leave" as the type of leave for both maternity leave and additional maternity leave.

b. Commands are required to manually track maternity leave and additional maternity leave to ensure 126 days are not exceeded for those eligible Service members. This applies to all commands, regardless of NSIPS e-Leave capabilities.