



AFPC DP3FS
Civilian Support Branch
Employee Management Relations

Parental Bereavement Leave
Fact Sheet

Current as of 14 July, 2023

PARENTAL BEREAVEMENT LEAVE

PAID PARENTAL LEAVE FACT SHEET

This fact sheet provides information for HR practitioners and managers, concerning the application of Parental Bereavement Leave in the Department of the Air Force, effective December 27, 2021. This Fact Sheet applies to appropriated funded personnel who meet the definition of “employee” in the title 5 FMLA provision in [5 U.S.C. 6381](#) at the time of the child’s death.

BACKGROUND

Established by Public Law 117-81, Section 1111, this leave authorizes an eligible employee a total of 2 workweeks of bereavement leave because of the death of a qualifying son or daughter of the employee, subject to the conditions set forth in OPM guidance. Bereavement leave should only be made available when the death of the child occurs while the parent is an eligible employee. The death of an employee’s child triggers the law’s one-time entitlement to 2 workweeks of bereavement leave in connection with that death.

REFERENCES

- Section 1111 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81, <https://www.congress.gov/bill/117th-congress/senate-bill/1605/text>)
- 5 U.S. Code § 6329d - Parental bereavement leave <https://www.law.cornell.edu/uscode/text/5/6329d>
- 5 CFR 630 Subpart L, 630.1202 Definitions <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-630/subpart-L/section-630.1202>
- Family and Medical Leave Act (FMLA) - subchapter V of chapter 63 of title 5, United States Code, originally enacted through title II of the Family and Medical Leave Act of 1993 <https://www.law.cornell.edu/uscode/text/5/part-III/subpart-E/chapter-63/subchapter-V>
- OPM Memorandum for Heads of Executive Departments and Agencies, Paid Parental Leave <https://www.chcoc.gov/content/parental-bereavement-leave>
- DODI1400.25V630_AFI36-815, Leave https://static.e-publishing.af.mil/production/1/af_a1/publication/dodi1400.25v630_afi36-815/dodi1400.25.v630_afi36-815.pdf

PARENTAL BEREAVEMENT LEAVE

DEFINITIONS

- **Child** means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is under 18 years of age, or a child who is 18 years of age or older and incapable of self-care due to a mental or physical disability.
- **Employee** means the individual is covered under the title 5 annual and sick leave program as defined in [5 U.S.C. 6301\(2\)](#) and meets the definition of “employee” in the title 5 FMLA provision in [5 U.S.C. 6381](#) at the time of the child’s death.
- **Foster care** means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care and involves agreement between the State and foster family to take the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.
- **In loco parentis** refers to the situation of an individual who has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- **Intermittent leave or leave taken intermittently** means leave taken in separate blocks of time, rather than for one continuous period of time, and may include leave periods of as little as one quarter hour. Intermittent leave schedules must be mutually agreed upon by employee and their supervisor.
- **Qualifying Federal Government service** means service as an employee (as defined in [5 U.S.C. 2105](#)) of the U.S. Government, including service with the United States Postal Service, the Postal Regulatory Commission, and a non-appropriated fund instrumentality as described in [5 U.S.C. 2105\(c\)](#). This also includes time spent on a temporary appointment of 1 year or less.

Note: Even though parental bereavement leave links to certain statutory terms in the Family and Medical Leave Act (FMLA), bereavement leave is not authorized under the FMLA. The bereavement leave and FMLA leave limitations are separately administered.

PARENTAL BEREAVEMENT LEAVE

LEAVE ENTITLEMENT AND USAGE

- A covered employee may take up to two workweeks (80 hours for most) of parental bereavement leave due to the death of a child.
- The bereavement leave must be used within a 12-month window that commences on the date of the death of a child.
- If an additional child or children of an employee die, at a later time during a 12-month period associated with the earlier death of another child of the employee, each later death will result in the commencement of a corresponding 12-month period. Thus, an employee may have overlapping 12-month periods. However, there is a limitation to the leave benefit in that an employee may not take more than two workweeks of bereavement leave in any 12-month period. That is, any use of bereavement leave during an overlap period including parts of more than one 12-month period will count against the two-week limit for each affected 12-month period.
- Parental bereavement leave is a stand-alone paid leave entitlement that is used separately from other leave or time off. It does not affect the accrual or balances of other paid leave or prevent an employee from requesting additional types of leave, as appropriate. For example, employees may still request up to 104 hours of sick leave per [DODI1400.25V630 AFI36-815, Leave](#) to make arrangements necessitated by the death or to attend the funeral.
- Once parental bereavement leave begins, it must be used continuously unless there is a mutual agreement between the supervisor and the employee to allow intermittent use. When parental bereavement leave is taken continuously, a holiday or other non-workday is not considered to be an interruption in continuous use and does not count as a day of bereavement leave taken.
- Stillbirths and miscarriages are not covered under this provision. Employees may apply for accrued or advanced sick or annual leave as well as the Family Medical Leave Act (FMLA) for recovery purposes and/or caring for a spouse with a serious medical condition.
- Disqualification from the entitlement: An employee is not entitled to parental bereavement leave if the employee is found to have deliberately caused the death of the child. Any parental bereavement leave that was provided to the employee prior to this finding must be retroactively canceled.

PARENTAL BEREAVEMENT LEAVE

- The two-workweek leave entitlement must be converted to hours based on the number of hours in the employee's scheduled tour of duty.
- For an employee with an uncommon tour of duty, the hours equivalent of two workweeks is equal to the number of hours in the employee's biweekly scheduled tour of duty.
- Bereavement leave is paid at the same hourly rate as other paid leave that is not subject to the 8-hour rule governing the inclusion of night pay.
- The supervisor may require that an employee provide a written self-certification or other documentation (e.g., death certificate) to verify that the requested bereavement leave is being used for bereavement purposes.

CHANGE IN EMPLOYING AGENCY OR SEPARATION FROM FEDERAL SERVICE

- If an employee transfers between eligible positions (including from one federal agency to another), the parental bereavement leave balance transfers with the employee if they are within the 12-month eligibility period.
- If an employee transfers from a different federal agency to DAF, the gaining CPS must determine whether the employee is within the 12-month period and how many hours of bereavement leave remain.
- If an employee has an unused bereavement leave balance when they separate from their position, they lose the right to the unused amount of leave unless they return to an eligible Federal position within the 12-month eligibility period. No cash payment may be made for unused bereavement leave at any time.

CHARGING PARENTAL BEREAVEMENT LEAVE: RECORDS AND REPORTING

- The minimum charge for parental bereavement leave is taken in quarter hour increments and additional charges are in multiples thereof.
- Employees must only use bereavement leave during scheduled hours.
- Bereavement leave will be reported as administrative leave (LN) until a new time and attendance code is established. Manual tracking will be required until such code is established.

PARENTAL BEREAVEMENT LEAVE AFPC/DP3FC FREQUENTLY ASKED QUESTIONS

Q. Is the 2-weeks of paid parental bereavement leave currently available to eligible DAF employees?

A. Yes, eligible employees can use Parental Bereavement Leave; however, it should be coded as LN for now and use of the leave should be tracked manually so corrected timecards can be completed once a code has been established. DAF is still waiting for DoD guidance additional guidance and information will be pushed out at a later date.

Q. Does Parental Bereavement Leave count against the 13 days (sick leave) allowed DODI1400.25V630_AFI36-815, Leave?

A. Parental bereavement leave is a stand-alone paid leave entitlement that is used separately from other leave or time off. It does not affect the accrual or balances of other paid leave or prevent an employee from requesting additional types of leave, as appropriate. For example, employees may still request up to 104 hours of sick leave per [DODI1400.25V630 AFI36-815, Leave](#) to make arrangements necessitated by the death or to attend the funeral.

Q. Are stillbirths and miscarriages covered under the act?

A. Definition of “son or daughter.” The term “son or daughter” has the meaning given that term in the FMLA law at [5 U.S.C. 6381\(6\)](#), as further described in OPM regulations in [5 CFR 630.1202](#). Therefore, stillbirths and miscarriages are not covered under the provisions found in Parental Bereavement Leave. Employees may apply for accrued or advanced sick or annual leave as well as the Family Medical Leave Act (FMLA) for recovery/care of the mother.

Q. How is the 12-month period of eligibility determined?

A. The bereavement leave must be used within a 12-month window that commences on the date of the death of a child. For example, if a parent suffers the loss of their child on June 1, 2022, they have until May 31, 2023, to use the two weeks of bereavement leave.

Q. What happens if an additional child or children of an employee dies, at a later time during the 12-month period associated with the earlier death of another child of the employee?

A. Each later death will result in the commencement of a corresponding 12-month period. For example, if the parent in the example above suffers another loss of an additional child on December 1, 2022, that parent will have until November 30, 2023, to use two weeks of bereavement leave for that death. Thus, an employee may have

PARENTAL BEREAVEMENT LEAVE AFPC/DP3FC FREQUENTLY ASKED QUESTIONS

overlapping 12-month periods. However, there is a limitation to the leave benefit in that an employee may not take more than two workweeks of bereavement leave in any 12-month period. That is, any use of bereavement leave during an overlap period including parts of more than one 12-month period will count against the two-week limit for each affected 12-month period. For example, if the parent in these examples used their bereavement leave from the loss of their first child from June 1 – June 14, 2022, they would not be able to take the two weeks of bereavement leave for their second child's death until after June 1, 2023 (the end of the overlapping 12-month period) and would have until November 30, 2023, to complete using those two weeks.

Q. Is the two-workweek leave entitlement converted to hours based on the number of hours in the employee's scheduled tour of duty?

A. Yes. For an employee with an uncommon tour of duty, the hours equivalent of two workweeks is equal to the number of hours in the employee's biweekly scheduled tour of duty. For example, if an employee has an uncommon tour consisting of six 24-hour shifts (144 hours) per biweekly pay period, the bereavement leave entitlement would be 144 hours.