



**TSA MANAGEMENT DIRECTIVE No. 1100.63-9
PAID PARENTAL LEAVE**

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Respect and Commitment.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive and all related Handbooks, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION:

This directive supersedes HCM Policy No. 630-8, *Paid Parental Leave*, effective October 1, 2020.

SUMMARY OF CHANGES:

Section 2, Scope, clarified employee must be eligible under Title II of the FMLA; Section 3, Authority, added National Defense Authorization Act references; Section 4, Definitions, revised Documentation and Eligible Employee; Section 5, Procedures, updated email address for submitting notification when the employee fails to fulfill the work obligation; Section 6, added “for care of a child” to clarify use of paid parental leave; Section 7, updated the email address for submitting notification when the employee fails to fulfill the work obligation, G.(5) revised Requesting an exception to the work obligation and reimbursement of the agency cost of FEHB; and Administrative updates throughout.

1. PURPOSE:

This directive establishes Transportation Security Administration (TSA) policy and procedures for the use of paid parental leave at the TSA.

2. SCOPE:

This directive applies to all TSA employees eligible to invoke an entitlement to the Family and Medical Leave Act (FMLA) under Title II for the birth of a child or placement of a child with the employee for adoption or foster care.

3. AUTHORITIES:

- A. Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
- B. National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020, Public Law 116-92, December 20, 2019, Sections 7601-7606 – Federal Employee Paid Leave Act
- C. NDAA for FY 2021, Public Law 116-283, January 1, 2021, Section 1103
- D. 5 CFR §630.1701 through 630.1708

4. DEFINITIONS:

- A. Administrative Workweek: Any period of seven consecutive calendar days designated in advance of the start of the workweek by the Administrator, or an appropriate designee. Generally, the administrative workweek begins on Sunday and ends on Saturday.
- B. Birth: For the use of paid parental leave, the delivery of a living child. For use of FMLA leave prior to the delivery, it refers to an anticipated birth.
- C. Documentation: A letter or other document from the health care provider or their office, hospital, attorney or adoption agency, as appropriate, advising of the date of the qualifying birth of a child or the date of placement of a child for adoption or foster care with the eligible employee. The documentation should be on letterhead or other format that clearly identifies the source. Examples of documentation include, but are not limited to:
- (1) Childbirth:
 - a. Birth certificate;
 - b. Document naming employee as second parent, such as declaration of paternity or court order of filiation;
 - c. Appropriate court documents;
 - d. Consular report of birth abroad;
 - e. Documentation provided by the child's healthcare provider;
 - f. Hospital admission form associated with the delivery; or
 - g. Other documentation approved by the agency.
 - (2) Adoption:
 - a. Documentation provided by the adoption agency confirming the placement and date of placement;
 - b. Letter signed by the parent's/parents' attorney confirming the placement and date of placement;
 - c. Immigrant visa for the child issued by U.S. Citizenship and Immigration Services;
 - d. Adoptive placement agreement;
 - e. Independent adoption placement agreement; or

- f. Other documentation approved by the agency.
- (3) Foster Care:
- a. Foster care placement record;
 - b. Other documentation from the foster agency confirming the placement and date of placement;
 - c. Foster care placement letter issued by the relevant local department of social services or authorized voluntary foster care agency; or
 - d. Other documentation approved by the agency.
- D. Eligible Employee: An employee who meets the requirements and invokes their entitlement to FMLA for an eligible birth of a child or placement of a child with the employee for adoption or foster care.
- (1) For the purposes of this policy, employee eligibility requirements under the provisions of Title II FMLA require the following:
- a. The employee is on an appointment without time limitation or a time limited appointment exceeding one year (employees with temporary appointments not to exceed one year are ineligible);
 - b. The employee has a part-time or full-time work schedule (i.e., employees with an intermittent work schedule are ineligible); and
 - c. The employee must have worked for the TSA or the Federal Government in a civilian capacity for at least 12 months at any time in the past.
- E. Intermittent Paid Parental Leave: Leave taken in increments of less than 12 administrative workweeks. When approved, intermittent paid parental leave may be taken in increments of 15 minutes up to several weeks.
- F. Paid Parental Leave: Up to 12 administrative workweeks (480 hours for a full-time employee and for part-time employees a prorated number of hours based on the tour of duty on the SF-50, Notification of Personnel Action) of paid leave available to an eligible employee that is substituted for unpaid FMLA leave and used to care for a newly born or placed son or daughter of the employee.
- G. Placement: A new placement of a son or daughter with an employee for adoption or foster care. This excludes the adoption of a stepchild or a foster child who has already been a member of the employee's household and has an existing parent-child relationship with the adopting parent.
- H. Overlap Period: A period of time when the start of a second event (birth or placement of a child) occurs during the 12-month period of a first birth or placement of a child.

- I. Surrogate: A female who bears a child on behalf of another person or couple.
- J. Work: A period during which the employee is in duty status, excluding any periods (paid or unpaid) of leave, time off (including holiday time off), or other nonduty status (including furlough or AWOL status). Such excluded periods will not count toward completion of the 12-week work obligation.

5. RESPONSIBILITIES:

A. Human Capital (HC) is responsible for:

- (1) Developing, modifying, or canceling this MD as required;
- (2) Providing advice and guidance on the FMLA including the use of paid parental leave;
- (3) Determining and documenting whether an employee who uses paid parental leave fulfills the work obligation;
- (4) Making determinations on an employee request for an exception to the work obligation and reimbursement of the agency cost of Federal Employees Health Benefits (FEHB) Program premiums; and
- (5) Collecting the government share of FEHB Program premiums paid by TSA to maintain the employee's health insurance during the period of paid parental leave use when the employee does not fulfill the work obligation and an exception to the work obligation has not been approved.

B. Eligible employees who wish to use paid parental leave are responsible for:

- (1) Invoking FMLA for a qualifying birth of a child or placement of a child with the employee for adoption or foster care;
- (2) Completing and submitting [TSA Form 1128-5, Paid Parental Leave Request Form](#);
- (3) Completing and submitting [TSA Form 1128-4, Paid Parental Leave Service Agreement](#), in accordance with this directive;
- (4) Providing required documentation in support of their request (see 4.C. and 7.D); and
- (5) Submitting an [OPM Form 71, Request for Leave or Approved Absence](#), or other agency approved method for requesting leave when substituting appropriate paid leave, including paid parental leave, for unpaid FMLA leave when providing care for a qualifying child.

C. Supervisors/leave approving officials are responsible for:

- (1) Receiving employee TSA Form 1128-5 and TSA Form 1128-4 and retaining with any other documents related to the employee's request for FMLA leave;
- (2) Approving or denying an employee's request to use paid parental leave on an intermittent basis. If approved, supervisors/leave approving officials should work with the employee to develop a mutually agreed upon schedule for use;
- (3) Approving or denying an employee's request for leave submitted via [OPM Form 71, Request for Leave or Approved Absence](#), or other agency approved method for requesting leave (e.g., the WebTA leave requesting feature). Paid parental leave cannot be approved prior to the qualifying birth of the employee's child or placement of a child with the employee for adoption or foster care;
- (4) Monitoring an employee's fulfillment of the work obligation (See 7.E.);
- (5) Notifying the Human Resources (HR) Specialist/Liaison, Business Management Office (BMO), or Resource Management Office (RMO) when an employee fails to fulfill the work obligation; and
- (6) Providing TSA Form 1128-5 and TSA Form 1128-4 to the HR Specialist/Liaison, BMO, or RMO when the employee fails to complete the work obligation or when requested.

D. The HR Specialist/Liaison, BMO, or RMO are responsible for:

- (1) Notifying HC Services Delivery through ServeU Human Capital Hub Customer Care via email: HC-ServeU-Employee@tsa.dhs.gov when an employee fails to complete the 12-week work obligation; and
- (2) Submitting employee requests for an exception to completion of the work obligation to the HC Business Partners.

6. POLICY:

- A. To be eligible to use paid parental leave, an employee must be eligible for and invoke their entitlement to FMLA leave under Title II of the FMLA for care of a child for the qualifying birth of the employee's child or placement of a child with the employee for adoption or foster care.
- B. The birth of the employee's child or placement of a child with the employee for adoption or foster care must occur on or after October 1, 2020.
- C. Paid parental leave is limited to up to 12 administrative workweeks for care of a child in connection with a qualifying birth of an employee's child or placement of a child with an employee for adoption or foster care.

- D. Supervisors/leave approving officials cannot approve an employee's request to substitute paid parental leave for unpaid FMLA leave for care of a child prior to the qualifying birth of the employee's child or placement of a child with the employee for adoption or foster care.
- E. If both parents are TSA employees and otherwise eligible to use FMLA leave, each parent is entitled to up to 12 administrative workweeks of paid parental leave. They may take paid parental leave at the same time or at different times as long as they each comply with the requirements and procedures outlined in this policy.
- F. Paid parental leave is substituted for unpaid FMLA leave and is used when an employee is acting in a parental role and engaged in activities directly related to the care of the newly born or placed son or daughter of the employee. Paid parental leave is not available for a surrogate or for an employee who has placed the child for adoption.
- G. Paid parental leave may be used continuously or intermittently in the same manner as unpaid FMLA leave for care and bonding with the newborn or newly placed child. When used on an intermittent basis, both the employee and the agency (TSA management, who in this case, is the supervisor/leave approving official) must agree to the intermittent use of paid parental leave. Determinations on intermittent leave use are made on an individual basis. If denied, the supervisor/leave approving official must provide the reason for the denial to the employee.
- H. TSA will continue to pay the government share of Federal Employee Health Benefits (FEHB) Program premiums during periods when an employee is using paid parental leave. Prior to using paid parental leave, the law requires an employee to enter into a written service agreement to work for TSA or DHS for 12 weeks after the day on which paid parental leave concludes. The 12-week work obligation is statutorily fixed and applies regardless of the actual amount of paid parental leave used. If an employee does not work for TSA or DHS for 12 weeks following the last day an employee uses paid parental leave, unless an exception is approved, the employee will be required to reimburse TSA or DHS, as appropriate, for the total amount of Government contributions paid on behalf of the employee to maintain the employee's health insurance coverage under the FEHB Program during the periods when paid parental leave was used.
- I. Paid parental leave may be used only during the 12-month period following the qualifying birth or placement. Any unused paid parental leave shall not be carried over for use in a future 12-month period. An employee shall not be paid for unused or expired paid parental leave.
- J. Paid parental leave is available as long as an employee has a continuing parental role in connection with the child whose birth or placement was the basis for the leave entitlement. Paid parental leave use is reserved for periods when an employee is acting in a parental role and engaged in activities directly related to the care of the child whose birth or placement was the basis for the leave entitlement.

- K. Managers and Supervisors shall not require employees to use annual leave, sick leave, or other forms of paid leave before requesting to substitute paid parental leave for unpaid FMLA leave.

7. PROCEDURES:

A. General Information.

- (1) An eligible employee with a qualifying birth or placement of a child with the employee for adoption or foster care is entitled to up to 12 administrative workweeks of paid parental leave which is substituted for unpaid FMLA for care of a child.
- (2) If an employee has multiple children born or placed on the same day, the qualifying multiple-child birth/placement event is considered to be a single event that initiates a single entitlement of up to 12 administrative workweeks of paid parental leave.
- (3) Use of paid parental leave during overlap periods.
 - a. If an employee has one or more children born or placed within the same 12-month period following the date of an earlier birth or placement, each event (birth or placement of a child) will generate a 12 administrative workweek entitlement that must be used during the 12-month period following the birth or placement.
 - b. Any paid parental leave used during an overlap period will count toward each of the 12 administrative workweek limits for all births or placements involved. With the exception of FMLA leave to care for a covered service member, an employee is limited to up to 12 administrative workweeks of FMLA leave in a 12-month period regardless of the number of qualifying conditions.

Example 1: On December 15, 2020, Lucille (a full-time employee) and her spouse had a child placed with them for adoption. Lucille began using paid parental leave on an intermittent basis and used three administrative workweeks prior to Lucille giving birth on March 30, 2021. For this second qualifying event in the 12-month period that began on December 15, Lucille requests to use paid parental leave. Lucille continues to use paid parental leave on an intermittent basis and exhausts her 12 administrative workweek entitlement on October 23, 2021. The nine weeks of paid parental leave Lucille used between March 30 and October 23 count toward both qualifying events – the placement of the child for adoption and the birth of the child. On December 15, 2021, Lucille can invoke her entitlement to FMLA to continue use of the remaining three administrative workweeks of paid parental leave for providing care for the child born on March 30, 2021. Lucille will have until March 29, 2022, to use the remaining three weeks of paid parental leave.

- (4) The amount of paid parental leave available for use in the 12-month period will be reduced by FMLA leave used for other purposes during the same 12-month period.

Example 2: On August 1, 2020, Suzy invoked her entitlement to FMLA and began using FMLA leave for medical appointments, severe morning sickness, and health care provider ordered bed rest prior to the birth of her child. Suzy used five administrative workweeks of FMLA leave for her pregnancy prior to the birth of her child. Suzy's child was born on October 28, 2020. Suzy has seven weeks of FMLA leave remaining in the current 12-month period. Suzy may use up to seven weeks of paid parental leave to provide care for her child. At the end of the current 12-month period (July 31, 2021), Suzy may invoke her entitlement to FMLA leave for care of her child and use the remaining five weeks of paid parental leave prior to the first birthday of her child.

Example 3: On March 5, 2020, Gregory invoked his entitlement to FMLA and began using FMLA leave for care of his mother with a serious health condition. Gregory used eight weeks of intermittent FMLA leave to provide care for his mother. Gregory is adopting a child. The child is placed with Gregory on November 18, 2020. Gregory has four weeks of FMLA leave remaining in the current 12-month period. He can invoke and use up to four weeks of paid parental leave prior to the end of the current 12-month period (March 4, 2021). On March 4, 2021, Gregory can invoke his entitlement to FMLA for care of his child and use the remaining eight weeks of paid parental leave. The remaining eight weeks must be used prior to November 18, 2021.

- (5) Paid parental leave may be used only during the 12-month period following the qualifying birth or placement. There are no carryover provisions for any unused paid parental leave. An employee may not be paid for unused or expired paid parental leave.
- (6) An employee who is ineligible for FMLA leave at the time of a qualifying birth or placement may become eligible during the 12-month period following the qualifying birth or placement. Once FMLA eligibility is established and invoked, an employee may be able to substitute paid parental leave in connection with a qualifying birth or placement. The use of paid parental leave may not be used retroactively prior to an employee's eligibility for FMLA.

Example 4: Patrick is hired by TSA on November 24, 2019 and not eligible for FMLA until November 24, 2020. Patrick's child is born on October 15, 2020. He can invoke his entitlement to FMLA beginning November 24, 2020. He can request and use up to 12 administrative workweeks of paid parental leave beginning on November 24, 2020. He may use paid parental leave prior to October 15, 2021, the child's first birthday.

B. Requesting Paid Parental Leave. To request paid parental leave, an eligible employee must:

- (1) Invoke their entitlement to FMLA for care of a child, verbally or in writing, for a qualifying birth of the employee's child or qualifying placement of a child with the

employee for adoption or foster care following the procedures outlined in [TSA MD 1100.63-1, *Absence and Leave*](#), and [TSA Handbooks 1100.63-1](#) Section O., Family and Medical Leave Act (FMLA);

- (2) Complete the Paid Parental Leave Service Agreement (TSA Form 1128-4) agreeing to return to work for 12 administrative workweeks following the conclusion of paid parental leave;
- (3) Advise the supervisor/leave approving official of the request to substitute paid parental leave for unpaid FMLA leave by completing the Paid Parental Leave Request (TSA Form 1128-5); and
- (4) Submitting TSA Forms 1128-4 and 1128-5 and required documentation (see 7.D.) to the supervisor/leave approving official following local leave requesting guidance.

C. Using Paid Parental Leave.

- (1) Use of paid parental leave is reserved for periods when an employee is acting in a parental role and engaged in activities directly related to the care of the child whose birth or placement triggered the leave entitlement. Using paid parental leave for these purposes supports the objective of increased parent-child bonding.
- (2) Paid parental leave, up to 12 administrative workweeks, is available as long as an employee has a continuing parental role in connection with the child whose birth or placement was the basis for the leave entitlement.
- (3) Intermittent use of paid parental leave.
 - a. For an employee to use paid parental leave on an intermittent basis, the supervisor/leave approving official must first agree to intermittent use of the leave.
 - b. When an employee requests to use paid parental leave on an intermittent basis and the supervisor/leave approving official agrees to the intermittent use, a mutually agreeable schedule for use should be established. Although the supervisor/leave approving official can deny specific days/times of an intermittent use schedule when there is an expected adverse impact to accomplishing the mission and work of the TSA, this is not intended to be a barrier to an employee's use of paid parental leave. Absent an adverse impact on accomplishment of the mission, the supervisor/leave approving official should avoid denying individual days when an employee has requested to use intermittent paid parental leave for a block of time, such as a full week or multiple weeks.

- c. When intermittent use of paid parental leave is approved, an employee may reserve paid parental leave for use on individual days as necessary for care of the newly born or placed son or daughter of the employee including illnesses and medical appointments. The amount of leave in reserve will not be the same for every employee. It is the employee's discretion to identify the amount of leave in reserve as long as the amount does not exceed the amount of paid parental leave authorized.
 - d. The supervisor/leave approving official should expect an employee to request use of any remaining paid parental leave prior to the child's first birthday or one-year anniversary of placement of the child with the employee for adoption or foster care. The supervisor/leave approving official should work with the employee to allow for use of this remaining leave.
- (4) An employee must submit a leave request to the supervisor/leave approving official via [OPM Form 71, Request for Leave or Approved Absence](#), or other agency approved method for requesting leave for the actual dates paid parental leave will be substituted for unpaid FMLA leave. By signing the leave request, the employee certifies that their use of paid parental leave is directly connected to a birth or placement that has occurred.

D. Submission of Required Documentation (See 4.C. for examples).

- (1) Employees using paid parental leave will provide documentation of the date of the qualifying birth or placement for adoption or foster care to the supervisor/leave approving official.
 - a. The documentation will be provided within 15 calendar days of the first day the employee uses paid parental leave. If not practicable based on the employee's circumstances to provide the documentation within 15 calendar days despite the employee's good faith efforts, the employee must provide the documentation within a reasonable period of time, but not later than 30 calendar days after the first day paid parental leave is used.
 - b. If the employee fails to provide the required documentation, within the specified period of time, TSA may determine the employee is not entitled to paid parental leave and will:
 - i. Allow the employee to request the absence be charged to: LWOP, sick leave, annual leave, or other forms of paid time off, as appropriate; or
 - ii. If the employee acted fraudulently as determined by evidence and in consultation with Human Capital Employee Relations staff and/or Chief Counsel, the employee could be charged as AWOL and TSA may pursue any other appropriate action against the employee.

E. Work Obligation.

- (1) Prior to using paid parental leave, an employee is required to enter into a written service agreement (TSA Form 1128-4) to work for the agency employing the employee at the time paid parental leave concludes.
- (2) Paid parental leave concludes on the day which is:
 - a. The workday on which an employee finishes using the 12 administrative workweeks of paid parental leave; or
 - b. If the employee uses less than 12 workweeks of paid parental leave during the 12-month period following the birth or placement, the last workday on which the employee used paid parental leave in connection with the qualifying birth or placement.
- (3) Any periods of work between intermittent uses of paid parental leave do not count toward completion of the 12-week work obligation. The work obligation is met by performing work after use of paid parental leave concludes.
- (4) The 12-week work obligation is statutorily fixed and applies regardless of the actual amount of paid parental leave used. If an employee uses less than 12 administrative workweeks of paid parental leave, the work obligation remains at 12 weeks. This amount cannot be reduced or prorated.
- (5) The work obligation is a period during which the employee is in a duty status. Any periods of paid or unpaid leave or time off, or other periods in a nonduty status will not count toward the 12-week work obligation.
- (6) When an employee transfers between Federal agencies, the work obligation will be owed to the TSA at the time use of paid parental leave concludes. TSA will determine and document whether the employee fulfilled the work obligation, and if applicable, collect the government share of FEHB Program premiums paid by TSA to maintain the employee's health insurance during the period of paid parental leave.

NOTE: A TSA employee transferring to DHS or another DHS component will fulfill the work obligation requirement.

F. Employee Incapacitation.

- (1) If TSA determines an otherwise eligible employee, who could have made an election during a past period to substitute paid parental leave for unpaid FMLA leave and enter into a Paid Parental Leave Service Agreement (TSA Form 1128-4), was physically or mentally incapable during that past period, the employee may make an election to substitute paid parental leave for applicable

unpaid FMLA leave on a retroactive basis. The retroactive election must be made within five workdays of the employee's return to work.

- a. The election will be effective on the date the election would have been effective had the employee not been incapacitated.
 - b. If the employee has not already invoked their entitlement to FMLA to care for a child for the qualifying birth or placement of a child for adoption or foster care, the employee must invoke FMLA in conjunction with the retroactive election and provide the required documentation.
 - c. The employee must also complete TSA Form 1128-4 and meet the required work obligation or pay the required reimbursement of FEHB premiums, if applicable.
- (2) If TSA determines an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave for unpaid FMLA leave and enter into a service agreement (TSA Form 1128-4), TSA will, upon the request of a personal representative of the employee, provide conditional approval of substitution of paid parental leave for unpaid FMLA leave on a prospective basis. The conditional approval is based on the presumption the employee would have elected to substitute paid parental leave for the applicable unpaid FMLA leave had the employee not been incapacitated.
- a. Within five workdays after returning to work, the employee must enter into the service agreement by completing TSA Form 1128-4 or pay the required reimbursement of FEHB premiums, if applicable.
 - b. If the employee declines to enter into the service agreement after being determined by TSA to no longer be incapacitated, any portion of the 12-administrative workweeks of paid parental leave that has not been exhausted will be canceled and any paid parental leave that was used based on the conditional approval will be designated as invalid. The invalidated paid parental leave will be converted to LWOP unless the employee requests other paid leave or paid time off, as appropriate, be applied. Any pay received from invalidated paid parental leave hours that is not replaced by other paid leave or paid time off is a debt to TSA and is subject to debt collection procedures.

G. Reimbursement of Agency Costs of Health Insurance.

- (1) Employees failing to complete the 12-week work obligation will be required to reimburse TSA (and maybe other agencies that employed the employee during the use of paid parental leave) for the government contribution paid by TSA (or other agencies) to maintain the employee's health insurance coverage under the FEHB Program during the period paid parental leave was used.

- (2) Headquarters program offices, field offices, and airport hubs will notify HC Services Delivery through ServeU Human Capital Hub Customer Care via email: HC-ServeU-Employee@tsa.dhs.gov when an employee fails to complete the 12-week work obligation. Generally, the notification will be made by the HR Specialist/Liaison, BMO, or RMO. The completed TSA Forms 1128-4 and 1128-5 must be included with the notification.
- (3) When reimbursement must be made, TSA will seek collection for the full amount. There is no authority for a partial waiver of the amount owed.
- (4) Exceptions to the requirement to reimburse the government cost of FEHB:
 - a. Reimbursement will not be required when TSA determines the employee is unable to return to work for the required 12 weeks because of:
 - i. The continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the child whose birth or placement was the basis for the paid parental leave, but in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement; or
 - ii. Any other circumstance beyond the employee's control as determined by HC Business Partners. Circumstances beyond the employee's control must be ones that truly preclude an employee from returning to work with TSA. Examples include situations where the employee chooses to stay home because a child has a serious health condition or an employee moves because the employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite. Matters of employee preference or convenience, such as choosing to stay home with a well newborn child, will not suffice.
- (5) Requesting an exception to the work obligation and reimbursement of the agency cost of FEHB.
 - a. An employee requesting an exception to completion of the work obligation must submit their request through the local HR Specialist/Liaison, RMO or BMO for submission to the HC Business Partners. The request must be submitted on [TSA Form 1128-6, Paid Parental Leave Work Obligation Exception Request](#). Required supporting documentation must be submitted at the same time as TSA Form 1128-6.
 - b. Employees will be required to provide a supporting medical certification from the health care provider when the employee claims a serious health condition (of either the employee or the child whose birth or placement entitled the employee to paid parental leave) that makes them unable to fulfill the necessary work requirements.

- c. Employees will be required to provide supporting documentation when requesting an exception due to circumstances beyond the employee's control. For example: a letter from the spouse's employer that the employee's spouse will be transferred unexpectedly to a job location more than 75 miles from the employee's worksite would be sufficient to document the situation.
 - d. Determinations on employee requests for work obligation exceptions will be made by HC Business Partners based on the information contained in TSA Form 1128-6, the supporting medical certification, or the supporting documentation that the employee is unable to return to work because of the reasons in 7.G.(4) above.
 - e. HC Business Partners may request additional documentation or information regarding the employee's circumstances when needed to make a determination on a request for an exception to the work obligation.
 - f. Determinations on employee requests for exceptions are final. Employees seeking a reconsideration of the determination must provide new documentation that supports the request following the procedures outlined in 7.(5)a. above. Reconsideration requests are also submitted to the HC Business Partners.
 - g. Generally, an employee who resigns prior to a determination being made on a request for an exception to completion of the work obligation will be required to reimburse the government cost of FEHB for the period paid parental leave was used. In unusual circumstances, following a resignation, HC Business Partners may determine based on available documentation and information that the employee was unable to return to work as a result of an exception in 7.G.(4) above. In these circumstances, TSA will not require the employee to reimburse the government cost of FEHB.
- (6) When an employee does not complete the 12-week work obligation and was employed by more than one agency while using paid parental leave, each agency that incurred costs for the employee's FEHB during the use of paid parental leave will make its own determination about whether to apply the FEHB cost reimbursement requirement.

8. APPROVAL AND EFFECTIVE DATE:

This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Patricia Bradshaw
Assistant Administrator for
Human Capital

Date

EFFECTIVE

Date

Distribution: All TSA Employees
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