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FEB 05 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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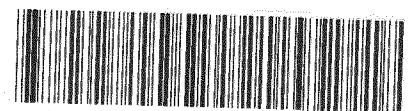
SUBJECT: Directive-type Memorandum (DTM) 16-002, "DoD-Wide Changes to Maternity Leave"

Reference: DoD Instruction 1327.06 w/Change 2, "Leave and Liberty Policy and Procedures," June 16, 2009

Purpose. This DTM:

- implements my decision to establish a DoD-wide standard for 12 weeks of non-chargeable maternity leave in accordance with my Force of the Future announcement on January 28, 2016.
- is effective immediately for all DoD components, except where specifically annotated.
- will be incorporated into DoD Instruction 1327.06, "Leave and Liberty Policy and Procedures" to serve as Change 3.

Applicability. This DTM applies to Service members assigned or detailed to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the National Guard Bureau, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (referred to, collectively



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as the “DoD Components”). This policy applies to active component Service members, and Reserve Component Service members serving on call or order to active service for a continuous period of at least 12 months.

Definitions. See Glossary

Policy. It is DoD policy that:

- Soldiers and Airmen, including eligible members of the Reserve components, will be entitled to up to 12 weeks of non-chargeable Maternity Leave immediately. Service members currently on Maternity Leave will be immediately granted a 42-day extension; Service members currently on approved ordinary (chargeable) leave in conjunction with their Maternity Leave, are authorized to convert their regular leave to non-chargeable Maternity Leave and to extend their Maternity Leave, but only so much as to not exceed a total of 84 days.
- Sailors and Marines, including eligible members of the Reserve components, who are pregnant or experience a birth event on or before March 3, 2016, will be entitled to up to 18 weeks of Maternity Leave, in accordance with the current Department of the Navy regulations.
- Service members, irrespective of Military Department, who become pregnant after March 3, 2016, will be entitled only to the new, 12-week benefit of non-chargeable Maternity Leave.
- The new 12 week period of Maternity Leave will start immediately following a birth event or release from hospitalization following a birth event (whichever is later), be continuous, and accrue at a rate of 12 weeks for each birth event.
- Commanders may not disapprove Maternity Leave. Maternity Leave will be granted in all cases where eligible Service members apply for it. However, unit commanders and medical providers will continue to grant convalescent leave based on the individual Service member’s fitness for duty; this policy does not constrict convalescent leave in excess of 12 weeks, where a health professional/medical authority deems that such leave is warranted.
- In all cases, unused Maternity Leave will be forfeited upon separation from active service.
- In the case of dual-military couples, Maternity Leave under this DTM may not be “transferred” to create any kind of shared benefit.
- No member shall be disadvantaged in her career, including without limitation in her assignments, performance appraisals or selection for professional military education, because she has taken Maternity Leave.

Responsibilities.

- The Under Secretary of Defense for Personnel and Readiness will update the Reference to comport with this DTM not later than 120 days from the date of this memorandum.

- The Secretary of the Navy:
 - Will implement this DTM as of its effective date.
 - Will administer the programs of the Naval Services and update appropriate regulations and guidance within 365 days of the date of this DTM.
 - Will provide monthly reports to the Under Secretary of Defense for Personnel and Readiness indicating the total number of Service members utilizing previous Maternity Leave benefits.
 - Will educate the force to ensure appropriate understanding of the new benefit, including eligibility, applicability, and date of implementation.

- The Secretaries of the Army and Air Force :
 - Will implement this DTM immediately.
 - Will administer their Service programs and update appropriate regulations and guidance within 365 days of the date of this DTM.
 - Will educate their forces to ensure appropriate understanding of the new benefit, including eligibility, applicability, and date of implementation

Procedures.

- The Reference is revised as follows:
 - Subparagraph (2) at Enclosure 2, paragraph 1(k), Non-Chargeable Leave, is revised to read:

“(2) Maternity Leave. Maternity leave is a convalescent period immediately following pregnancy and childbirth. (Paragraph 10.6 of Reference (m) provides information on deferment from duty based on childbirth.)

(a) Subject to subparagraph (b) below in regards to members of the Navy and Marine Corps, maternity leave shall be authorized for a period of up to 12 continuous weeks immediately following a birth event, or release from hospitalization following a birth event. Service members on maternity

leave as of February 2, 2016, will be granted a 42-day extension. Members on approved ordinary (chargeable) leave in conjunction with their maternity leave, as of February 2, 2016, are authorized to convert their regular leave to non-chargeable Maternity Leave and to extend their maternity leave, but by only so much as to not exceed a total of 84 days. This policy shall apply equally to active component members and Reserve component members serving under a call or order to active service for a continuous period of at least 12 months.

1. Commanders (or other designate approval authorities under procedures established by the Secretary concerned) may not deny maternity leave to eligible Service members. Eligible members, including eligible members of the Reserve components, shall receive Maternity Leave based on their application and procedures established by the Secretary concerned.

2. Nothing in this maternity leave policy shall be construed as to prohibit unit commanders and medical providers from continuing to grant convalescent leave in accordance with subparagraph (1) above based on an individual Service member's fitness for duty (including a member's fitness following childbirth that does not qualify as a "birth event" as defined in this instruction). This maternity leave policy does not, in and of itself, limit convalescent leave in cases where it may exceed 12 weeks because a health professional/medical authority has deemed that such an amount of leave is warranted.

3. Any amount of maternity leave remaining unused at the time of separation from active service shall be forfeited. In the case two Service members who are married to each other, maternity leave as authorized herein may not be "transferred" to create any kind of shared benefit.

4. No member shall be disadvantaged in her career, including limitations in her assignments (except in the case where she voluntarily agrees to accept an assignment limitation), performance appraisals, or selection for professional military education or training, solely because she has taken maternity leave.

(b) In accordance with policies and procedures established by the Secretary of the Navy in 2015, Sailors and Marines whose maternity leave or "additional maternity leave" (AML, as defined in Chief of Naval Operations NAVADMIN 182/15 and Commandant of the Marine Corps MARADMIN 421/15") was approved by their commanding officers prior to March 3, 2016, or who are pregnant or experience a birth event on or before March 3, 2016, will remain eligible for the full 18 weeks of maternity leave and AML combined, consistent with Department of the Navy policy and procedural guidance on this subject."

- The following definition is added to the glossary:

“Birth event. Any birth of a child(ren) to a female Service member wherein the child(ren) is retained by the mother. For the purpose of policies in this instruction governing maternity leave, 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.”

Releasability. **Unlimited**. This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

Ash Carter

cc:

CHIEF OF STAFF OF THE ARMY
COMMANDANT OF THE MARINE CORPS
CHIEF OF NAVAL OPERATIONS
CHIEF OF STAFF OF THE AIR FORCE
COMMANDANT OF THE COAST GUARD



GLOSSARY

These terms and their definitions are for the purpose of this DTM.

Additional Maternity Leave (AML). According to current Department of the Navy guidance, the 12 week period following six weeks of convalescent leave. This term shall not be applied to the new leave policy outlined in this DTM.

Birth event. Any birth of a child to a female Service member wherein the child(ren) is retained by the mother. For the purposes of this policy, 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.

Continuous. Any single period of time in which Maternity Leave is taken. Maternity Leave will only be authorized when taken in a continuous manner.

Convalescent Leave. Any period of authorized absence granted to a Service member under medical care, which is part of the treatment prescribed for the recuperation and convalescence. It is also referred to as “sick leave”. For the purposes of this policy, all 12 weeks of the new, DoD-wide Maternity Leave benefit will be characterized as “convalescent leave.”

