

Frequently Asked Questions

Parental Bereavement Leave

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1. What is parental bereavement leave?

Parental bereavement leave is a new type of leave that provides eligible employees 2 workweeks (up to 80 hours) of paid leave in connection with the death of a qualifying child. The death of an employee's child triggers the law's one-time entitlement to 2 workweeks of parental bereavement leave, which must be used within 12 months of the child's death.

Qualifying Child

2. What does the death of a “qualifying” child mean?

To be eligible, your child must be under the age of 18, or 18 and older and incapable of self-care because of a mental or physical disability.

Eligible employees receive 2 workweeks of parental bereavement leave in connection with the death of their qualifying son or daughter. To be eligible for parental bereavement leave, the term “son or daughter” has the meaning given that term in the Family and Medical Leave Act (FMLA) law at [5 U.S.C. 6381\(6\)](#), as further described in OPM regulations in [5 CFR 630.1202](#). Son or daughter means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is:

- a. Under 18 years of age; or
- b. 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter incapable of self-care requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephones and directories, using a post office, etc. A “physical or mental disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual as defined in [29 CFR 1630.2](#) (h), (i) and (j).

The term “adopted child” must be interpreted consistent with the definition of “adoption” in 5 CFR 630.1202, except that it includes a child who has been placed with an employee for the purpose of adoption pending finalization of the adoption process. The term “foster child” must be interpreted consistent with the definition of “foster care” in 5 CFR 630.1202. The term “in loco parentis” has the meaning given that term in 5 CFR 630.1202.

Eligibility

3. How do I know if I am eligible for parental bereavement leave?

To be eligible you must 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. You must:

- a. Be covered under the title 5 annual and sick leave program;
- b. Serve under a permanent or term appointment (i.e., employees serving under a temporary appointment of 1 year or less are not eligible);
- c. Have an established part-time or full-time work schedule (i.e., intermittent employees are not eligible), and;
- d. Have completed at least 12 months of service as an employee (as defined in [5 U.S.C. 2105](#)).

4. I am a temporary employee. Am I eligible for parental bereavement leave?

If you are serving under a temporary not-to-exceed 1 year appointment, then you are not eligible for parental bereavement leave.

Relationship to Other Leave

5. Does parental bereavement leave affect my sick leave balance?

No. Parental bereavement leave is a new, stand-alone type of paid leave entitlement that is administered independently from any other type of leave, including sick leave.

An employee is entitled to use sick leave for family care and bereavement purposes to make arrangements necessitated by the death of the employee’s child or to attend the child’s funeral. Parental bereavement leave is used for the broader purpose of bereavement and does not affect the accrual or balances of your other paid leave or paid time off.

6. Is parental bereavement leave the same as FMLA?

No. Even though it links to certain statutory terms in the FMLA, parental bereavement leave is not authorized under the FMLA. Parental bereavement leave and FMLA are separate and distinct. Also, parental bereavement leave may not be substituted for unpaid FMLA leave.

Agencies should accommodate employee requests to use FMLA leave, sick leave, and parental bereavement leave, as appropriate (e.g., in the event that a child dies during the post-birth recovery period for an employee who gave birth to the child, the employee may be able to use FMLA leave, sick leave, or bereavement leave during certain periods of time).

Leave Entitlement

7. How many hours of parental bereavement leave does an employee receive?

Parental bereavement leave is a one-time entitlement and eligible employees receive a total of 2 workweeks or parental bereavement leave because of the death of a qualifying son or daughter of the employee.

- A full-time employee receives 80 hours.
- A part-time employee receives the number of hours over a biweekly pay period based on their scheduled tour of duty established for leave charging purposes (e.g., if a part-time employee's scheduled tour of duty was 32 hours in a biweekly pay period, the leave entitlement would be 32 hours).
- A full-time employee with an uncommon tour of duty, the hours equivalent of 2 workweeks is equal to the number of hours in the employee's biweekly scheduled tour of duty (e.g., if the employee's uncommon tour consists of six 24-hour shifts (144 hours) per biweekly pay period, the leave entitlement would be 144 hours).

An employee is not entitled to bereavement leave if the employee is found by proper authority to have deliberately caused the death of the child whose death gave rise to the potential entitlement. Any bereavement leave that was provided to the employee prior to the finding of culpability must be retroactively canceled.

8. When does the 12-month period begin?

The 12-month period begins on the date of the death of the employee's child and continues for 12 months. After that 12-month period expires, another 12-month period will not begin unless there is another later use of parental bereavement leave based on another child's death. If an employee endures the death of a second child during that 12-month period, they effectively have two overlapping periods where they are eligible for parental bereavement leave, but any time off taken during the overlap will count against the 2-week limit for both periods.

9. I am a seasonal employee. Can I take parental bereavement leave during my off season?

You must use parental bereavement leave during your scheduled hours within your tour of duty established for leave-charging purposes when you would otherwise be working or using other paid leave. If you are a seasonal employee, you are not eligible during the off-season when you are placed in nonduty/non-pay status. (See [5 CFR 340.401-402](#))

- A seasonal employee may not use bereavement leave during off-season periods.
- An employee may not use bereavement leave during furlough periods.
- An employee may not use bereavement leave during a period of suspension.
- An employee who is on leave without pay for service in the uniformed services ("Absent-US") may not use bereavement leave during periods of service in the

uniformed services. (Only the types of civilian leave specified in [5 CFR 353.208](#) may be used during service in the uniformed services.)

- An employee may not use bereavement leave during a period of separation from Federal service (i.e., the employee must be currently employed).

Retroactive Use

10. Can parental bereavement leave be used retroactively?

Yes. Corrected timesheets may be submitted retroactively in connection with the death of an eligible employee's qualifying child on or after December 27, 2021. However, an employee may not use parental bereavement leave before December 27, 2021, the date of enactment of [Public Law 117-81](#).

Coding the Timesheet

11. How do I code my timesheet?

The National Finance Center (NFC) is currently developing a new transaction code for parental bereavement leave and it is expected to be available for employee use by December 2022. Employees will code 66-Admin/Excused Absence (WebTA) or TC-66 Administrative Leave (Paycheck8) until NFC has the new parental bereavement leave coding available for employee use.

12. Do I have to provide documentation?

Your supervisors may require a written self-certification or death certificate to verify that the requested parental bereavement leave is being used for bereavement purposes. In any case where the need for leave is foreseeable (e.g., if taking the leave intermittently), you must provide advance notice, as practicable.

Night and Sunday Pay

13. Do I receive night pay when I use parental bereavement leave?

If you are regularly scheduled to work during the night period, you receive night pay for the parental bereavement leave hours claimed at night. If working at night is not part of your scheduled tour of duty, then you do not receive night pay.

14. Do I receive Sunday pay when I use parental bereavement leave?

No. Sunday pay is not included in payment of any type of paid leave. (See [Public Law 105-277](#))

Intermittent Use

15. Can I use parental bereavement leave intermittently?

Yes. If you request to use parental bereavement leave intermittently and your supervisor approves, you may schedule the leave in such a way that you work partial workdays or schedule other types of paid leave or other paid time off on the same workday (e.g., sick leave for some hours and bereavement leave for other hours).

Transfer

16. If I have not used the full 2 workweeks and I transfer to another agency, does the unused balance transfer with me?

Yes. If you have an unused balance of parental bereavement leave and you transfer between eligible positions your unused balance also transfers with you if you are within the 12-month eligibility period.

17. If I transfer to a different agency, will I receive an additional 2 workweeks of parental bereavement leave?

No. Employees receive a total of 2 workweeks in connection with the death of a qualifying child. You will not receive an additional 2 workweeks if you transfer to a different agency.

The gaining agency must determine whether a newly hired or transferred employee is within a 12-month period based on the date of death of the employee's child, and, if so, how many hours of bereavement leave the employee has already used. When an agency prepares a Standard Form 1150, *Record of Leave Data*, for a transferring employee who is in the middle of a bereavement leave 12-month period, it should record in the Remarks section (block 24) the beginning date of the 12-month period and the aggregate amount of bereavement leave used by the employee (as of the time of transfer).

18. Can I receive a lump sum payment for any unused parental bereavement leave?

No. A cash payment may not be made for unused parental bereavement leave at any time (including transfer to another agency or separation from Federal service). If you separate, then the unused amount of leave is lost unless you return to an eligible Federal position within the 12-month eligibility period.