



February 27, 2020

VIA E-MAIL AND FIRST CLASS MAIL

The Honorable Dale Cabaniss
Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, DC 20415-1000

Dear Director Cabaniss:

The passage of the Federal Employee Paid Leave Act is a watershed moment for our nation's civil servants. Federal employees around the country eagerly await this new benefit to arrive on October 1, when they will finally be able to afford to take time off to care for their new children.

NTEU first endorsed a paid parental leave program 20 years ago, and our members have been fighting for it to become law ever since. We are honored to have contributed to this important breakthrough for the men and women of the federal workforce.

However, we are concerned about OPM's forthcoming implementation of the program. According to the FY 2021 OPM Congressional Budget Justification, your agency is pursuing restrictions to paid parental leave that were not envisioned by Congress and are certainly not acceptable to the federal employees who have waited decades for this benefit.

First, we oppose "limitations" on the use of paid parental leave in the case of foster care placements. The FY 2021 budget justification document is unclear about exactly what limitations might be under consideration by the administration, but nevertheless, the law as signed by the president does not differentiate among births, adoptions or foster placements. Indeed, the law states that paid parental leave is available for the "birth or placement" of a child, and congressional advocates repeatedly stated that foster families would qualify.

OPM's document states that the change is necessary because some foster care placements are for less than one year which "undermines the justification for paid parental leave to allow for long-term bonding with a child." This is just wrong. Foster children of any age are at a precarious time in their lives and to suggest that paid parental leave isn't necessary because they aren't permanent additions to the family is outrageous.

Second, limiting the benefit to 12 weeks per child, even if both parents are federal employees who are eligible, is equally regressive. Each federal employee has a right to 12 weeks of paid parental leave and cutting that in half because their partner is also a federal employee discriminates against those families.

Dale Cabaniss
February 27, 2020
Page Two

Third, we have concerns that attempts to clarify the use of paid parental leave and unpaid leave under the Family and Medical Leave Act would limit a new parent's ability to draw from the leave options that best suit their needs and personal situations. This limitation may be felt most keenly by adoptive parents and birth mothers with medical issues prior to the birth.

These proposals raise significant concerns that OPM is thwarting legislative intent — and commonsense family values — by pursuing ways to limit access to this important benefit. I certainly hope it is not OPM's intent to narrow the Federal Employee Paid Leave Act in ways that shortchange the men and women of the civil service.

Please reconsider these ill-advised proposals and ensure that the regulations drafted by OPM are consistent with congressional intent and implement the full program that federal workers — and their children — deserve. Additionally, we ask for your reassurance that the paid parental leave program will be available by October 1, 2020, as intended, without delay.

NTEU stands ready to help the U.S. government join the rest of the world and leading private employers in giving their employees a paid parental leave program that helps recruit and retain the next generation of highly skilled workers.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony M. Reardon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony M. Reardon
National President