

**POPA HELP GUIDE FOR MATERNITY/PATERNITY ISSUES
PROBATIONARY EMPLOYEES**

1. **USPTO maternity/paternity policy for probationary employees who have less than one year federal government service** allows a parent to take off up to eight weeks after the birth or placement (adoption or foster care). This time can be accrued sick leave, annual leave, compensatory time or leave without pay (LWOP).
 - If you are eligible to work compensatory time, you may earn and use up to 160 hours of compensatory time (see below).
 - Probationary employees are not normally granted advanced leave (sick or annual). Requests will be considered on a case-by-case basis.
 - If you require additional LWOP, those requests will be considered on a case-by-case basis considering how far along the probationary period is, required training remaining, how the employee is progressing and/or the likelihood of retention.

2. **USPTO maternity/paternity policy for probationary employees who have one year federal government service (whether at the USPTO or another agency)** allows a parent to take off up to twelve weeks for maternity/paternity purposes including adoption or foster care. This time can be accrued sick leave, annual leave, compensatory time or leave without pay (LWOP) or Paid Parental Leave under FMLA.
 - You are eligible to use 12 weeks of Paid Parental Leave (PPL). See more information below on PPL.
 - If you are eligible to work compensatory time, you may earn and use up to 160 hours of compensatory time (see below).
 - Probationary employees are not normally granted advanced leave (sick or annual). Requests will be considered on a case-by-case basis.
 - If you require additional LWOP, those requests will be considered on a case-by-case basis considering how far along the probationary period is, required training remaining, how the employee is progressing and/or the likelihood of retention.
 - The LWOP under FMLA can be used at once or intermittently.
 - Once you reach non-probationary status and until your child is one year old or the one year anniversary of your child being placed for adoption or foster care, you will be allowed to use LWOP or substituted accrued leave equivalent to the number of hours of FMLA leave you used during your probationary year.

3. **Paid Parental Leave (PPL)** is available for employees who have a parental role, are eligible for FMLA, and have a qualifying birth or new placement (adoption or foster care) on or after October 1, 2020.

- PPL is a substitution for FMLA unpaid leave and is limited to 12 weeks (480 hours) or the amount of FMLA unpaid leave remaining if the parent has already used some of the leave as unpaid leave.
- PPL is available during the 12-month period beginning on the date of birth or placement.
- Use of this leave requires the parent to sign a written agreement to work for the USPTO for 12 weeks beginning on the parent's first scheduled workday after which PPL concludes. There is a 12 week work obligation no matter how much PPL is taken (i.e., if one hour of PPL is taken there is still a 12 week work obligation).

An employee may earn 160 hours of **compensatory time** under the USPTO maternity/paternity policy before the baby is born or placed for adoption that may be used after the baby is born or placed for adoption. Up to 160 hours may be carried over from biweek to biweek for maternity/paternity purposes. An employee may continue to earn and use additional hours of maternity/paternity compensatory time after the baby is born or placed for adoption for the first 6 months after the birth or placement. An employee may use this compensatory time instead of taking LWOP to create a more flexible work schedule. For example, you could earn compensatory time on the weekend while baby is cared for by someone else, then take a day or two off during the work week using that compensatory time. Compensatory time may only be earned on the weekend if you have been in a pay status for over 40 hours for the week. Thus you may not earn compensatory time on the weekends if you have taken LWOP during the work week. However, you may earn compensatory time for work in excess of 8-10 hours a day (i.e., if you are working 8 hour days, you could earn compensatory time on that day for hours worked in excess of 8). Compensatory time, by law, is an alternative form of payment for overtime which is why these restrictions apply. Be aware that compensatory time expires 26 pay periods after the pay period in which it is earned.

Once you pass your probationary period, you can take advantage of the USPTO maternity/paternity policy or FMLA (including PPL) depending on how old your child is at the time or how long since your child was placed for adoption or foster care. See the "POPA Help Guide for Maternity/Paternity Issues Non-Probationary Employees" for more information.