

**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 mother and/or father to take off up to eight weeks for maternity/paternity or adoption purposes. 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 mother and/or father to take off up to twelve weeks for maternity/paternity or adoption purposes. This time can be accrued sick leave, annual leave, compensatory time or leave without pay (LWOP) under FMLA.
  - 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, 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.

One 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. This compensatory time is in addition to regular compensatory time. One 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. You 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 your spouse takes care of the baby, 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 depending on how old your child is at the time or how long since your child was placed for adoption.