



DEPARTMENT OF THE NAVY
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SECNAVINST 1000.10B
ASN (M&RA)
16 Jan 2019

SECNAV INSTRUCTION 1000.10B

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY (DON) POLICY ON PARENTHOOD AND PREGNANCY

Ref: (a) 10 U.S.C.
(b) DoD Instruction 1332.45 of 30 July 2018
(c) SECNAVINST 1754.5B
(d) DoD Instruction 1342.19 of 30 November 2017
(e) DoD Instruction 1327.06 of 19 May 2016
(f) USD (P&R) Memo, Parental Leave for Military Personnel in Connection with the Birth or Adoption of a Child of 23 March 2018
(g) DoDM 4165.63, DoD Housing Management of 31 August 2018
(h) SECNAVINST 5200.35F
(i) SECNAV M-5214.1
(j) DoD Instruction 8260.03 of 19 February 2014

Encl: (1) Definitions
(2) Responsibilities
(3) Military Parental Leave Program

1. Purpose. To provide an updated Department of the Navy (DON) policy for all military personnel on issues related to parenthood and pregnancy and to establish reporting requirements. This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1000.10A.

3. Definitions. See enclosure (1).

4. Applicability. This instruction applies to all DON military personnel, Active Component (AC), Reserve Component (RC) on active duty (Full Time Support/Active Reserve), and RC Service Members performing duty under a call or order to active service in excess of 12 months. This instruction does not apply to midshipmen.

5. Policy

a. General:

(1) Consistent with the needs of the naval service, the DON will ensure the health care needs of pregnant Service Members are met and will accommodate the work-life balance of Service Members who are parents to the greatest extent possible.

(2) Per section 5947 of reference (a), all Commanding Officers (COs) and others in authority are required to show in themselves a good example and promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge. COs will, at a minimum, ensure all personnel are aware of, and have the opportunity to make use of, the broad range of medical, legal, financial, religious and other services available to assist them in making good decisions regarding fulfillment of their responsibilities both as Service Members and as parents.

(3) Per reference (b), the services will establish policy governing deployability assessments and assignments, and retention determinations that are consistent with this instruction.

(4) Responsibilities and reporting requirements are further delineated in enclosure (2).

b. Parenthood:

(1) Appropriate and thorough information on family planning and parental responsibilities will be made available to Service Members through existing training opportunities and local resources.

(2) COs will ensure Service Members are afforded the opportunity to take advantage of available legal assistance for advice regarding their options in establishing paternity.

(3) Upon birth or adoption of a child under 18 years of age, the Service Member will ensure the child is adequately cared for at all times so that the Service Member remains able to perform all required duties and meet all responsibilities and

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obligations. If applicable, the Exceptional Family Member Program is covered in reference (c).

(4) Per reference (d), COs will require certain Service Members to create and maintain up-to-date and duly executed family care plans. Per reference (b), failure to maintain a family care plan is a reportable, temporary non-deployable category.

(5) After a qualifying birth event or qualifying adoption, a covered Service Member is entitled to parental leave as outlined in enclosure (3).

c. Pregnancy:

(1) Service Members who think they may be pregnant are responsible for promptly confirming pregnancy through testing by appropriate medical providers and informing their COs, as appropriate.

(2) COs will ensure that pregnant Service Members are informed of the need to obtain prenatal care and are allowed all reasonable accommodations in order to receive prenatal care as recommended by their physicians.

(3) Services will provide detailed guidance for the assignment and management of pregnant Service Members. Such guidance will ensure, to the greatest extent practicable, that a pregnant Service Member's career is not impacted negatively. Whenever possible a Service Member who is transferred from the unit because of pregnancy will be returned to the same billet, or an equivalent billet in the same command or a command of the same type duty, following the pregnancy and any related parental leave and period of deferment, per references (e) and (f). Where possible, personnel assigned on Permanent Change of Station (PCS) or Temporary Additional Duty (TAD) orders to a unit outside of the DON will comply with DON policy.

(4) An unmarried pregnant Service Member on active duty and without dependents may reside in Bachelor Quarters for the full term of the pregnancy or apply for family housing and, at the discretion of the installation CO, occupy excess family housing before the birth of the child. Reference (g) sets forth priorities and conditions for assignment to Department of

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Defense (DoD) family housing. Payment of allowances will be in accordance with applicable pay and entitlement regulations.

(5) Service Members on active duty will be given priority in receiving routine Obstetric/Gynecologic (OB/GYN) care in DoD direct medical facilities. Further, Service Members on active duty assigned to imminently deploying units or positions (within three months) will be given priority over other Service Members on active duty receiving routine OB/GYN care in DoD direct medical facilities. Reserve personnel or personnel serving in remote locations should seek treatment in DoD indirect medical facilities.

(6) Evaluations and fitness reports will be based on demonstrated performance. Medical limitations and/or assignment restrictions, or periods of absence because of pregnancy, associated medical care, or convalescent leave, in and of themselves, will not be the basis for downgrading marks or adverse comments.

(7) A pregnant Service Member may request separation from the AC or the RC. Requests for separation will be reviewed and determined in accordance with standard criteria for separation promulgated by the services. If a Service Member is otherwise subject to separation under the standard criteria promulgated by the service, the Service Member's status as pregnant or a parent is no bar to separation.

(8) Before separation, COs must counsel pregnant Service Members on the availability of pregnancy and women's healthcare for eligible veterans through the Department of Veterans Affairs (VA). COs will also ensure pregnant Service Members receive information on how to apply for VA benefits.

(9) Active Duty Service Members are not authorized to provide surrogate pregnancy services.

(10) After a qualifying birth event, a covered Service Member is entitled to parental leave as outlined in enclosure (3).

6. Responsibilities. See enclosure (2).

7. Records Management

a. Records created as a result of this instruction, regardless of media and format, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages?Home.aspx>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

8. Internal Controls. In accordance with reference (h), the establishment and use of internal controls and accounting procedures are mandated to ensure: effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. Additionally, as part of the annual Manager's Internal Control Program (MICP) report, the Navy and Marine Corps will provide the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) with copies of the sections of their reports that are relevant to the MPLP.

9. Reports. The reporting requirement contained in paragraph 8 is exempt from information collection control per Part IV, paragraph 7n of reference (i) and the reporting requirement contained in enclosure (2) paragraph 2h is exempt from information collection control per Part IV, paragraph 7p of reference (i).



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DEFINITIONS

1. Birth Event. Any live birth of a child(ren) to a Service Member (or spouse). Multiple births resulting from a single pregnancy (e.g., twins or triplets) will be treated as a single birth event so long as the multiple births occur within the same 72-hour period. Multiple births that do not occur within the same 72-hour period will be treated as separate birth events (in this case, Maternity Convalescent Leave and Primary or Secondary Caregiver Leave must run concurrently but before the expiration of the leave).
2. Birthparent. The parent who gives birth.
3. Covered Service Member. Active Component, Reserve Component (RC) on active duty (Full Time Support/Active Reserve), and RC Service Members performing duty under a call or order to active service in excess of 12 months.
4. Direct Medical Facility. Hospitals and clinics that are operated by military medical personnel.
5. Dual Military Couples. Covered Service Member married to another Covered Service Member.
6. Indirect Medical Facility. Civilian hospitals or clinics, or physician or provider offices where healthcare is provided to TRICARE beneficiaries.
7. Maternity Convalescent Leave. A non-chargeable 6-week convalescent period for a military member immediately following pregnancy and childbirth. It will commence beginning on the first full day following the date of discharge or release from a hospital (or similar accredited facility) following childbirth, or the first full day after a planned home delivery under the care of a certified nurse midwife.
8. Military Parental Leave. The three types of non-chargeable leave associated with childbirth or adoption to include Maternity Convalescent Leave, Primary Caregiver Leave, and Secondary Caregiver Leave. The collective program under which these types of non-chargeable leave occur is known as the Military Parental Leave Program (MPLP).

9. Operational Deferment. The period of time from official notification and placement of pregnant Service Members from operational commands to non-operational commands for the duration of gestation, delivery, and post-delivery. During this period, Service Members are deferred from all transfers.

10. Operational Deployment. An operational deployment begins when the majority of a unit or detachment, or an individual not attached to a unit or detachment, departs home port, station, or base, or departs from an enroute training location to meet an approved operational requirement.

a. An event is an operational deployment if it is recorded in the Joint Capabilities Requirement Manager or Fourth Estate Manpower Tracking System and is contained in the annual Global Force Management Data Initiative compliant tool under the Global Force Management Data Initiative reporting structure specified in reference (j).

b. Forces deployed in support of executive orders, operational plans, or concept plans approved by the Secretary of Defense are also considered operationally deployed. An operational deployment ends when the majority of the unit or detachment, or an individual not attached to a unit or detachment, arrives back at their home port, station, or base. Forces operationally employed by Secretary of Defense orders at their home station or in "prepare-to-deploy" status at home station are not operationally deployed.

11. Primary Caregiver. The parent with the primary responsibility for caring for a child, in most cases the non-military birth parent. In some cases, the Covered Service Member may be designated as the primary caregiver. Such cases may include, but are not limited to: situations where the Covered Service Member is the birthparent; dual military couples where one member of the couple is designated as the primary caregiver; the unavailability or incapacity of the birthparent if the birthparent is not a military member; the death of one of the parents; or other circumstances where the Covered Service Member must act as primary caregiver. Primary Caregiver Leave may be approved for an unmarried, non-birthparent if that member's parentage of the child is established in accordance with criteria prescribed in this instruction.

12. Primary Caregiver Leave. A 6-week period of non-chargeable leave granted to a designated primary caregiver for the care of a child obtained through a qualifying birth event or qualifying adoption.

13. Secondary Caregiver. The parent who is not designated as the primary caregiver. Secondary Caregiver Leave may be approved for an unmarried, non-birth parent if that member's parentage of the child is established in accordance with criteria prescribed in this instruction.

14. Secondary Caregiver Leave. A 14-day period of non-chargeable leave granted to a designated secondary caregiver for the care of a child obtained through a qualifying birth event or qualifying adoption.

15. Surrogacy. A voluntary arrangement, often supported by a legal agreement, by which a woman undergoes pregnancy and gives birth to a child or children for another person or persons who are, or will ultimately become, the parent(s) of the newborn child or children.

16. Qualifying adoption. An adoption that is arranged by a "qualified adoption agency" as that term is defined in section 1052 of title 10, United States Code.

RESPONSIBILITIES

1. The mission of the DON demands the highest level of operational readiness to meet the nation's strategic goals. A full complement of highly trained personnel is essential to maintaining operational readiness in deployable units. DON leadership recognizes parenthood and pregnancy are natural events that occur in the lives of Navy and Marine Corps Service Members, and they are compatible with successful naval service.

2. Military responsibilities, including the expeditionary nature of the Navy and Marine Corps, often add factors for serious consideration for our Service Members as they make family planning decisions. Consideration of these realities requires establishment of policies and procedures that accord due regard to the demands of parenting in the naval service and address career and health issues. For responsibilities not previously described in the main instruction, the Chief of Naval Operations (CNO) and Commandant of the Marine Corps (CMC) will:

a. Implement and update policies per this instruction no later than 60 days from date of signature. Delegate certain responsibilities to lower echelons as appropriate. Examples of policies may include operational deferment, lactation support, etc;

b. Per reference (b), update or establish Service policies governing deployability assessments and assignments, and retention determinations that are consistent with this instruction. Authority to retain in service those Service Members whose period of non-deployability exceed the 12 consecutive month limit is delegated to the CNO and CMC for their respective Service, and may be redelegated to Flag/General Officers and Senior Executive Service members serving at the Department and Service headquarters levels. Likewise, CNO and CMC will determine the appropriate post-partum phase used to compute the temporary non-deployable category of pregnancy;

c. Notify the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) of substantive changes to service policies not less than 30 days prior to implementation of those changes;

d. Provide appropriate training and education as necessary to ensure consistency with the policies set forth in this instruction;

e. Ensure command support for all Service Members to obtain Obstetric/Gynecologic (OB/GYN) care while on active duty. Reinforce current policy to ensure Service Members on active duty are afforded priority for routine OB/GYN care;

f. Implement the Military Parental Leave Program (MPLP) in accordance with enclosure (3). Per references (b) and (e), implementing guidance will not include any requirements for extension of obligated service or reduction in leave balances for Covered Service Members who take leave under the MPLP. Additionally, to the extent they are otherwise eligible, Covered Service Members who take leave under the MPLP, may be authorized terminal leave and/or sell back of leave;

g. Establish a Service Member's parentage, for a qualifying birth event of child(ren) born outside of marriage, with one of the following proofs of parentage: being listed, with consent, as a parent on the child's birth certificate or other government issued document; acknowledgement in writing of an obligation to support the child, either by voluntary agreement or court order; or registration, or pending registration, in the Defense Enrollment Eligibility Reporting System (must occur within 30 days of the birth). A birthparent is not required to establish proof of parentage; and

h. Report pregnancies, per reference (d).

MILITARY PARENTAL LEAVE PROGRAM

1. Policy. It is DON policy that:

a. Covered Service Members who give birth will be provided an appropriate period of non-chargeable convalescent leave following discharge or release from a hospital (or similar accredited facility) following childbirth, or the first full day after a planned home delivery under the care of a certified nurse midwife;

b. Covered Service Members will be afforded the opportunity to take full advantage of the Military Parental Leave Program (MPLP) consistent with their desires, and, in the case of Primary Caregiver Leave and Secondary Caregiver Leave, with operational requirements and training workloads;

c. The MPLP will consist of the following forms of non-chargeable leave following a qualifying birth event or qualifying adoption for Covered Service Members:

- (1) Maternity Convalescent Leave;
- (2) Primary Caregiver Leave; and
- (3) Secondary Caregiver Leave.

d. The MPLP will be administered per references (b) and (e).

2. Leave Entitlements under the MPLP

a. Maternity Convalescent Leave:

(1) Is limited to a Covered Service Member birthparent after a qualifying birth event. In cases where a baby is stillborn, or the Covered Service Member suffers a miscarriage, convalescent leave, other than Maternity Convalescent Leave, may be granted in accordance with reference (b);

(2) Is limited to six weeks of non-chargeable leave, unless additional Maternity Convalescent Leave is specifically recommended, in writing, by the medical provider of the Covered Service Member to address a diagnosed medical condition and is

approved by the member's CO. A birthparent may, with the concurrence of a medical provider, elect to receive a period of Maternity Convalescent Leave that is less than six weeks;

(3) Must be taken immediately following childbirth, except that the leave will not commence until the first full day following the date a Covered Service Member is discharged or released from the hospital (or similar accredited facility) following childbirth, or the first full day after a planned home delivery under the care of a certified nurse midwife;

(4) May be taken consecutively with either Primary or Secondary Caregiver Leave, but must be taken prior to any caregiver leave (for a maximum of 12 weeks in conjunction with Primary Caregiver Leave, or eight weeks in conjunction with Secondary Caregiver Leave). If additional Maternity Convalescent Leave is authorized and approved in accordance with subparagraph (2), the full period of the extended Maternity Convalescent Leave will be taken prior to any caregiver leave and, the amount of caregiver leave will be reduced one day for each day of additional Maternity Convalescent Leave taken (i.e., that portion of the period of Maternity Convalescent Leave that is in excess of six weeks). Primary or Secondary Caregiver Leave, if not taken in conjunction with Maternity Convalescent Leave, must be taken within one year of a qualifying birth event or qualifying adoption;

(5) Cannot be divided into separate periods of leave. If a mother ends Maternity Convalescent Leave before the six week expiration, the remainder of the Maternity Convalescent Leave is forfeited;

(6) May be taken consecutively with approved ordinary (i.e., chargeable) leave. If taken in conjunction with ordinary leave, may exceed the maximum limits of subparagraph (3), if approved by the CO. If taken with caregiver leave and ordinary leave, the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, caregiver (Primary or Secondary) leave, ordinary leave;

(7) Must not be disapproved by a CO;

(8) May not be transferred to other Service Members to create any kind of shared benefit; and

(9) Will be forfeited if unused at separation from active service.

b. Primary Caregiver Leave:

(1) Is limited to Covered Service Members who meet the definition of, and are designated as, "primary caregiver" in conjunction with qualifying birth events or qualifying adoptions;

(2) Is limited to six weeks of non-chargeable leave and must be taken within one year of a qualifying birth event or qualifying adoption. A designated primary caregiver may elect to receive a period of Primary Caregiver Leave that is less than six weeks;

(3) May be taken consecutively with Maternity Convalescent Leave and/or approved ordinary (chargeable) leave. However, Primary Caregiver Leave may not be taken consecutively with chargeable terminal leave and/or administrative absence for transition (commonly referred to as permissive temporary duty or PTDY). If taken consecutively with Maternity Convalescent Leave, Primary Caregiver Leave must be taken after Maternity Convalescent Leave. If not taken in conjunction with Maternity Convalescent Leave, it must be taken within one year of a qualifying birth event or qualifying adoption. If taken in conjunction with ordinary leave (other than terminal leave or PTDY), the Primary Caregiver Leave must be taken before the ordinary leave. If taken in conjunction with both Maternity Convalescent Leave and ordinary leave (other than terminal leave or PTDY), the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, Primary Caregiver Leave, ordinary leave;

(4) Must be taken in only one increment;

(5) Is not authorized in cases of a qualifying birth event where the child is given up for adoption, and/or parental rights are terminated or surrendered;

(6) Eligibility, or the leave itself if started, terminates upon the death of the child. In such cases, Covered Service Members may transition to an emergency leave (chargeable) status in accordance with reference (b);

(7) May not be transferred to other Service Members to create any kind of shared benefit; and

(8) Will be forfeited if any portion remains unused at separation from active service.

c. Secondary Caregiver Leave:

(1) Is limited to Covered Service Members who meet the definition of, and are designated as, "secondary caregiver" in conjunction with qualifying birth events or qualifying adoptions;

(2) Is limited to 14 days of non-chargeable leave and must be taken within one year of a qualifying birth event or qualifying adoption. A designated secondary caregiver may elect to receive a period of Secondary Caregiver Leave that is less than 14 days;

(3) May be taken in conjunction with Maternity Convalescent Leave or approved ordinary (chargeable) leave, except it may not be taken consecutively with chargeable terminal leave or administrative absence for transition (commonly referred to as permissive temporary duty or PTDY). If taken in conjunction with Maternity Convalescent Leave, Secondary Caregiver Leave must be taken after Maternity Convalescent Leave. If not taken in conjunction with Maternity Convalescent Leave, it must be taken within one year of a qualifying birth event or qualifying adoption. If taken in conjunction with ordinary leave (other than terminal leave or PTDY), the Secondary Caregiver Leave must be taken before the ordinary leave. If taken in conjunction with both Maternity Convalescent Leave and ordinary leave (other than terminal leave or PTDY), the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, Secondary Caregiver Leave, ordinary leave;

(4) Must be taken in only one increment;

(5) Is not authorized in cases of a qualifying birth event where the child is given up for adoption, or parental rights are terminated or surrendered;

(6) Eligibility, or the leave itself if started, terminates upon the death of the child. But, in such cases, Covered Service Members may transition to an emergency leave (chargeable) status per reference (b);

(7) May not be transferred to other Service Members to create any kind of shared benefit; and

(8) Will be forfeited if any portion remains unused at separation from active service.

3. Designation of Primary and Secondary Caregivers

a. Primary and secondary caregiver designations will apply as those terms are defined in enclosure (1).

b. In the case of a qualifying birth event or qualifying adoption, the Covered Service Member will designate the child's primary caregiver. See paragraph 3 (e) below regarding designations for dual military couples.

c. Only one primary and one secondary caregiver may be authorized for each qualifying birth event or qualifying adoption.

d. In no case will a Covered Service Member be designated as both a primary and secondary caregiver and permitted to receive both Primary and Secondary Caregiver Leave for the same qualifying birth event or qualifying adoption.

e. In the case of a dual military couple, one Covered Service Member will be designated as the primary caregiver and the other Covered Service Member as the secondary caregiver. Each will be granted the caregiver leave associated with those respective designations. Caregiver leave is not transferable between members of a dual military couple.

f. In the case of a Covered Service Member who desires designation as a primary or secondary caregiver for a qualifying birth event of a child(ren) born outside of a marriage, the member's parentage must first be established.

g. Designations of primary and secondary caregivers will be made as early as practicable. Ideally, at least 60 days in

advance of an anticipated due date or anticipated date of a qualifying adoption.

4. Designation of Primary and Secondary Caregivers Who Are Within 3 Months of an Operational Deployment or Who Are Currently Deployed

a. Covered Service Members who are operationally deployed or those who are within three months of an operational deployment may be designated as primary or secondary caregivers.

b. A Covered Service Member who is operationally deployed will normally be required to defer the Primary or Secondary Caregiver Leave until the operational deployment period has completed. However, in exceptional and compelling circumstances, a unit CO may approve caregiver leave for Covered Service Members who are operationally deployed if the unit CO determines that the unit's readiness will not be adversely affected.

c. A member who is within three months of an operational deployment may:

(1) Defer primary or secondary caregiver designation or caregiver leave until the operational deployment is completed; or,

(2) After designation as a secondary caregiver, use up to 14 days of Secondary Caregiver Leave prior to deployment.

d. Any period of deferral of caregiver leave under this section due to an operational deployment must not be counted against the one-year period following a qualifying birth event or qualifying adoption in which members must take caregiver leave.

5. Designation of Primary and Secondary Caregivers as it relates to surrogacy

a. A Covered Service Member whose spouse serves as a surrogate and gives birth is not entitled to Primary or Secondary Caregiver Leave.

b. In cases where a Covered Service Member (or a covered dual military couple) uses a surrogate, and the member (or couple) becomes the legal parent(s) or guardian(s) of the child, the event will be treated as an adoption, and the Covered Service Member(s) will be entitled to either Primary or Secondary Caregiver leave.

6. Unused Military Parental Leave

a. Any amount of Primary or Secondary Caregiver Leave remaining unused at the time of separation from active service will be forfeited.

b. Primary or Secondary Caregiver Leave that is not taken prior to the expiration of one year from the date of a qualifying birth event or qualifying adoption will be forfeited. For purposes of the MPLP and reference (e), Primary or Secondary Caregiver Leave will be considered to have been "taken" as long as the Primary or Secondary Caregiver Leave will have commenced prior to the expiration of a period of one year following a qualifying birth event or qualifying adoption.

c. Any leave authorized under the MPLP for a Covered Reserve Component member that is not taken by the time the member is separated from active service will be forfeited.

(1) The period of active service of a Covered Reserve Component member will not be extended in order to permit the member to take leave authorized under the MPLP; however, a Service Member may be extended on active service following a qualifying birth event when determined medically necessary by a competent medical authority.

(2) Covered Reserve Component members will not be recalled to active service for the use of any category of leave under the MPLP.