



NATIONAL GUARD BUREAU

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NGB-ARH

27 April 2009

MEMORANDUM FOR Military Personnel Officers and Human Resources Officers of all States, Puerto Rico, the US Virgin Islands, Guam, and the District of Columbia

SUBJECT: Army National Guard Implementation Guidance for Paternity Leave Authorized by the National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Public Law 110-417) (NGB-ARH Policy Memo 09-019)

1. References:

- a. Department of Defense Instruction, 1327.6, Leave and Liberty Procedures, 25 April 2005.
- b. Army Regulation 600-8-10, Leaves and Passes, 15 February 2006.
- c. National Defense Authorization Act, Fiscal Year 2009, 14 October 2008.
- d. Message, all Army activities 062/2009, Army Guidance for paternity Leave Auth by Duncan Hunter Natl Def Authorization Act for Fiscal Year 2009 (PUB L. 110-417), 10 March 2009 (enclosure).

2. Purpose. This memorandum implements the new statutory provisions regarding paternity leave. The 2009 NDAA signed by the President on 14 October 2008 included the authority for 10 days of paternity leave to be used in connection with the birth of a child.

3. Policy.

a. Paternity leave is authorized for a married Soldier serving on active duty under the authority of Title 10 United States Code (USC), and Title 32 USC, Active Guard Reserve Program, whose wife gives birth to a child on or after 14 October 2008. Paternity leave is a non-chargeable administrative absence.

b. Paternity leave will not exceed 10 days, to be taken consecutively and within 45 days after the birth of the child. This applies to a single pregnancy including one that results in the birth of more than one child (twins, triplets, etc.).

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c. Deployed Soldiers have 60 days after returning from deployment to utilize the 10 days of paternity leave or the leave is lost. The unit commander is the approval authority for paternity leave and may approve paternity leave in conjunction with rest and recuperation (R&R) leave, but the R&R period and paternity leave may not be combined to exceed the established United States Central Command R&R leave period.

d. Commanders, supervisors, and leave approval authorities will include the following statement in block 17 (remarks) on the DA Form 31 (Request and Authority for Leave) for active duty married Soldiers requesting leave in connection with the birth of a child: "I am requesting leave in connection with the birth of my child. I understand that by law paternity leave is only authorized for a married Soldier on active duty whose wife has given birth to a child on or after 14 October 2008. _____ (Soldier's initials)"

e. A male Soldier who has been charged ordinary leave in connection with the birth of his child on or after 14 October 2008, but before the Army paternity leave guidance was released, may request through his chain of command that up to 10 days of ordinary leave used in connection with the birth of his child be restored and credited to his accrued leave balance.

4. This guidance will remain in effect until it is incorporated into the rapid revision of Army Regulation 600-8-10.

5. The point of contact is COL David P. Sheridan, Chief, Personnel Policy and Readiness Division, at DSN 327-5904, 703-607-5904, or david.sheridan@us.army.mil.

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