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Doris Hausser
Senior Policy Adviser
Office of Personnel Management
1900 E St, NW
Washington, DC 20415-1000

July 12, 2006

Dear Ms. Hausser:

As the sponsor of H.R. 5148, the Federal Employees Paid Parental Leave Act of 2006, I am interested in the parental leave policies of the federal government. In that regard, I would appreciate if you could expound on your comments made regarding the federal government's parental leave policy when you stated to the *Washington Post*, in an article (attached) published on May 5, 2006, that "we believe there are extensive and sufficient benefits already available." The article further goes on to indicate that federal government employees are allowed to use their accrued sick time following the birth of a child.

It is my understanding that the federal government only allows for the use of sick time for the birth of a child where the mother is declared "incapacitated" by her physician. If that is true, then even if parents followed your advice and had "[s]ome foresight, some planning," they cannot necessarily use their sick leave.

Regardless, it is not reasonable to expect a new mother to have to contend with proving "incapacitation" to the government. In addition, there appears to be no set definition of "incapacitated," thus no standard and no consistency across agencies. Moreover, the requirement of "incapacitation" would appear to prohibit parents from maximizing the use of paid leave by not allowing the father to use sick leave after the mother has returned to work.

Since the federal government does not have paid parental leave as my bill would require, the federal government should at least make it easier for its employees to use their earned sick leave as you suggest they already can do. To that end, I would appreciate it if you could provide my office with detailed information regarding how federal employees are currently allowed to use their accrued sick leave following the birth or adoption of a child and whether these policies constitute "extensive and sufficient."

Please also address the following in your response:

- Please explain if you have a view on whether "incapacitation" is the appropriate standard for the use of sick leave and, if so, how that standard is, and should be, defined.
- What is the policy for the use of accrued time-off and sick time following the adoption of a child?
- In the Office of Personnel Management (OPM) report, entitled *Paid Parental Leave* found at <http://www.opm.gov/oca/Leave/HTML/ParentalReport.htm>, OPM stated that it "will take steps to ensure that Federal agencies educate their workforce about [the alleged many family friendly] flexibilities." Please describe what OPM has done to comply with that statement.
- In that same report, OPM states that "[s]everal agencies feel that the Government should allow new parents to use sick leave to care for a healthy newborn or newly adopted child." Which agencies feel that way, and which do not? Clearly, then, those agencies which support that statement, do not agree with your comments that sick leave may *currently* be used for those purposes. Can you explain this discrepancy?
- The same report, issued in 2001, also states that employees should use their current flexibilities until a comprehensive study of Federal leave programs can be fully evaluated. Has such a comprehensive study begun or completed? Please attach a copy and summarize the findings. If it has not been completed, please describe the status of the study.
- The report further states that OPM intends to make "legislative recommendations to modernize . . . leave systems." What are those recommendations?
- What specific legislative fix would be needed to ensure that any federal employee could use his or her sick leave to care for a new child by birth or adoption?

I request a response by August 1, 2006.

Sincerely,


CAROLYN B. MALONEY
Member of Congress

What to Do When the Stork Visits
Washington Post

Friday, May 5, 2006; A17

Federal workers have it pretty good. The pay is steady, if not stellar. Benefits are good, layoffs rare and the government probably won't go out of business anytime soon.

And yet some civil servants say something is missing: paid parental leave after the birth of a child or an adoption. Right now, federal employees who want to stay home with the new arrival have to use vacation or sick leave. They can also take 12 weeks of unpaid leave under the 1993 Family and Medical Leave Act.

Three House members -- Reps. Carolyn B. Maloney (D-N.Y.), Thomas M. Davis III (R-Va.) and Steny H. Hoyer (D-Md.) -- want to provide another option. They introduced a bill last month to grant federal employees six weeks of paid parental leave for the birth of a child or an adoption.

"The federal government is woefully behind the times in its family leave policy," Maloney said in a statement. "More than ever, the government faces a tough market for recruiting the best and the brightest, and backward family policies don't help. The current policy isn't very family-friendly."

Similar bills have been introduced before. While the administration has not taken a position on this one, it has opposed such efforts. "We believe there are extensive and sufficient benefits already available," said Doris Hausser, senior policy adviser at the Office of Personnel Management.

Hausser said the government is unusual among employers in that it allows workers to roll over unused sick leave from year to year with no cutoff. Employees accrue four hours every pay period, or 13 days a year. Combined with vacation, the accumulated sick leave should allow plenty of time off -- at full pay -- for an employee who plans ahead.

"Some foresight, some planning is not an unreasonable expectation," she said.

Hausser also pointed to a 2004 government-wide survey in which OPM found that 86 percent of workers polled said they were "very satisfied" or "satisfied" with the government's paid leave for family care situations. Even among employees younger than 30, more than 79 percent said they were satisfied or very satisfied with the leave policy.

They are not so satisfied, however, that members of Congress who represent a lot of federal workers are willing to let the issue drop.

"There's no firm line," Hausser said about granting paid time off. "You kind of say, how much is enough without creating a situation where someone on the outside looking in is saying, 'Good Lord, look at all that time that these people are getting paid 100 percent with public funds and they aren't doing a lick of work for the public.'"

-- Christopher Lee