

## **Types of Supporting Documentation for the Use of Paid Parental Leave**

As described in the Paid Parental Leave regulations (5 CFR 630.1703(h)), at the request of the Department of Commerce (Department), an employee must provide the Department with appropriate documentation that shows that the employee's use of paid parental leave is directly connected to a birth or placement that has occurred.

The regulations do not provide an exhaustive list but rather provide that the Department is responsible for determining what documentation is sufficient proof of entitlement. Examples of documentation that the Department may consider requesting following the birth of an employee's child or the placement of a child with the employee for adoption or foster care are provided below.

This list is not exhaustive and is provided only to assist in determining which documentation may ultimately be requested by the Department. If the Department decides to request documentation it may consult with the General Counsel's office to determine the documentation it will require.

### **Childbirth**

1. Birth certificate
2. Document naming employee as second parent, such as declaration of paternity or court order of filiation
3. Appropriate court documents
4. Consular report of birth abroad
5. Documentation provided by the child's healthcare provider
6. Hospital admission form associated with the delivery
7. Other documentation approved by the Department

### **Adoption**

1. Documentation provided by the adoption agency confirming the placement and date of placement
2. Letter signed by the parent's/parents' attorney confirming the placement and date of placement
3. Immigrant visa for the child issued by U.S. Citizenship and Immigration Services
4. Adoptive placement agreement
5. Independent adoption placement agreement
6. Other documentation approved by the Department

### **Foster Care**

1. Foster care placement record
2. Other documentation from the foster agency confirming the placement and date of placement
3. Foster care placement letter issued by the relevant local department of social services or authorized voluntary foster care agency
4. Other documentation approved by the Department

## **Providing Documentation to the Department**

- As described in the Paid Parental Leave regulations (5 CFR 630.1703(h)) an employee must provide any documentation or certification required by the Department no later than 15 calendar days after the date the Department requests such documentation or certification.
  - If it is not practicable under the particular circumstances for an employee to respond within the 15-day time frame, despite the employee's diligent, good faith efforts, the employee must provide the documentation or certification within a reasonable period of time under the circumstances involved, but no later than 30 calendar days after the date of the Department's original request.
- The Department may grant paid parental leave prior to receiving any requested documentation or certification based on an employee's communications with a supervisor or management. Under these circumstances, the granting of paid parental leave is considered to be provisional, pending receipt of the requested documentation or certification.
- If the employee fails to provide the Department with the required documentation or certification within the specified time period, the Department may determine that the employee is not entitled to paid parental leave and may:
  - Allow the employee to request that the absence be charged to leave without pay, sick leave, annual leave, or other forms of paid time off, as appropriate; or
  - If the employee acted fraudulently, charge the employee as absent without leave (AWOL) and pursue any other appropriate action.