SECRETARY OF THE ARMY
WASHINGTON

01 MAR 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-09 (Maternity Leave Policy)

1. References:

a. Title 10, United States Code, Chapter 40 (Leave).

b. Department of Defense Instruction 1327.06 (Leave and Liberty Policy and Procedures), June 16, 2009, Incorporating Change 2, effective August 13, 2013.

c. Memorandum, Secretary of Defense, February 5, 2016, subject: Directive-type Memorandum (DTM) 16-002, "DoD-Wide Changes to Maternity Leave."

d. Army Regulation 600-8-10 (Leaves and Passes), 16 February 2006, Including Rapid Action Revision Issued 4 August 2011.

2. This directive implements DTM 16-002 (reference 1c).

3. For the purposes of this directive, a "birth event" is defined as any birth of a child or children to a female Soldier when the mother keeps the child or children. Multiple children resulting from a single pregnancy (for example, twins or triplets) will be treated as a single birth event, so long as the multiple births occur within 72 hours of each other.

4. Effective 2 February 2016, commanders will authorize up to 12 continuous weeks of non-chargeable maternity leave for eligible Regular Army Soldiers and reserve component Soldiers serving on call or order to active service for a continuous period of at least 12 months. Troop Program Unit (TPU) Soldiers are not eligible for maternity leave, but are excused from any battle assembly (weekend drill) and annual training occurring within the 84 calendar day period immediately following a birth event. Commanders may not disapprove maternity leave. The 12-week period of maternity leave will start immediately following a birth event or the mother's release from hospitalization following a birth event, whichever is later.

5. Soldiers who were on convalescent leave on 2 February 2016 after a birth event will be granted 42 additional days of maternity leave. Soldiers who were on approved ordinary leave on 2 February 2016 in conjunction with their convalescent leave after a birth event are authorized to convert their ordinary leave to non-chargeable maternity leave and to extend their maternity leave, but only so much as to not exceed a total of 84 days.

6. Soldiers who were in a leave status described in paragraph 5, but who have since returned to duty, are authorized to return immediately to a leave status. These Soldiers will take the remaining leave as continuous non-chargeable maternity leave, and they are authorized to convert any regular leave they may have taken in conjunction with their convalescent leave following a birth event to non-chargeable maternity leave. The total days of leave may not exceed 84 days. If a Soldier was present for duty any day after 2 February 2016, those duty days will not count against the Soldier's total of 84 days.

7. Nothing in this directive will be construed to prohibit unit commanders and medical providers from continuing to grant convalescent leave in accordance with AR 600-8-10 based on an individual Soldier's fitness for duty (including a Soldier's fitness following childbirth that does not qualify as a birth event as defined in paragraph 3). This directive does not limit convalescent leave to 12 weeks when a health professional or medical authority has deemed that additional leave is warranted.

8. Any amount of maternity leave remaining unused at the time of separation from active service will be forfeited. Two Soldiers who are married to each other may not transfer maternity leave authorized in this directive to create any kind of shared benefit.

9. No Soldier will be disadvantaged in her career, including limitations in her assignments (unless she voluntarily agrees to accept an assignment limitation), performance appraisals, or selection for professional military education or training, solely because she has taken maternity leave.

10. Commanders will educate their forces to ensure appropriate understanding of the new benefit, including eligibility, applicability, and date of implementation. Commanders will ensure that all Soldiers who are on maternity leave or ordinary (chargeable) leave in conjunction with maternity leave, or who were in such a status on 2 February 2016, are immediately counseled, but no later than 7 days from the date of this directive.

11. The Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the requirements of DTM 16-002 and this directive into AR 600-8-10 as soon as practicable.

12. This directive is rescinded upon publication of a revision to AR 600-8-10.

Patrick J. Murphy
Acting

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(see next page)

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