



January 2024

# PAID PARENTAL LEAVE

## OPM Should Take Steps to Further Raise Awareness of the Program

## Why GAO Did This Study

Beginning October 1, 2020, eligible federal employees were able to use up to 12 weeks of paid parental leave for the arrival of a new child by birth, placement for adoption or foster care. Studies cited by OPM indicated that paid parental leave can help increase bonding time between parent and child, improve the desirability of federal employment, and increase employee retention.

The Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2023 directs GAO to review federal paid parental leave. This report (1) describes OPM data on paid parental leave and (2) assesses OPM and selected agencies' efforts to raise awareness of the program, among other objectives.

GAO analyzed OPM data on the government-wide use of paid parental leave. GAO also selected three agencies for review based on workforce size and use of paid parental leave. GAO analyzed relevant documents and interviewed officials from OPM, the selected agencies, and employee unions at the selected agencies.

## What GAO Recommends

GAO is recommending that OPM update its 2015 Handbook and associated fact sheets on its "Leave Administration" webpage to include current and accurate paid parental leave information. OPM concurred with GAO's recommendation.

View [GAO-24-106654](#). For more information, contact Dawn G. Locke at (202) 512-6806 or [locked@gao.gov](mailto:locked@gao.gov).

# PAID PARENTAL LEAVE

## OPM Should Take Steps to Further Raise Awareness of the Program

### What GAO Found

The Federal Employee Paid Leave Act of 2019 (FEPLA) provided a new paid parental leave benefit to most federal civilian employees. FEPLA amended the Family and Medical Leave Act of 1993 (FMLA), which provided a federal entitlement of up to 12 weeks of unpaid leave to most federal employees for a variety of caregiving and medical purposes. Eligible federal employees were able to substitute up to 12 weeks of qualifying FMLA unpaid leave with FEPLA paid parental leave.

The Office of Personnel Management (OPM) collected and analyzed data on the government-wide use of paid parental leave from the 2021 Federal Employee Benefits Survey, 2022 Federal Employee Viewpoint Survey (FEVS), and other sources. FEVS 2022 data showed that 96 percent of federal employees who used paid parental leave used it for the birth of a child (see table). A total of 557,778 employees completed the 2022 FEVS.

#### Responses to Federal Employee Viewpoint Survey (FEVS) Question Related to Use of Paid Parental Leave by Qualifying Event, 2022

Question 100a: For what purpose did you use Paid Parental Leave?	Percent Response
Birth of a child	96
Adoption placement of a child	2
Foster care placement of a child	2

Source: GAO analysis of Office of Personnel Management 2022 FEVS data. | GAO-24-106654

OPM and three selected agencies—Department of Justice (DOJ), Small Business Administration (SBA), and Social Security Administration (SSA)—found no significant obstacles to employees using paid parental leave. Selected agencies used multiple channels, such as hosting information sessions, to communicate paid parental leave to their employees. However, GAO found that selected agencies' public-facing webpages did not reflect current paid parental leave policies. During the course of GAO's review, DOJ, SBA and SSA agreed and updated the relevant webpages accordingly.

OPM's Leave Administration webpage includes handbooks and fact sheets intended to provide information on leave administration for federal employees. GAO found the webpage directs users to outdated information about FMLA before FEPLA went into effect. Specifically, the webpage directs users to the 2015 Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, which does not reflect the availability of paid parental leave provided under FEPLA. The webpage also does not include FEPLA fact sheets. OPM officials told us that they had not yet completed updating the Handbook and fact sheets on its webpage because they had competing priorities and limited staff available. OPM intends to update the relevant documents as staff resources and workload permit. Without current information on its public webpage, OPM is missing an opportunity to help raise awareness of paid parental leave and ensure that federal employees understand their eligibility.

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## Abbreviations

DOJ	Department of Justice
EHRI	Enterprise Human Resources Integration
FMLA	Family and Medical Leave Act of 1993
FEBS	Federal Employee Benefits Survey
FEVS	Federal Employee Viewpoint Survey
FEPLA	Federal Employee Paid Leave Act of 2019
OPM	Office of Personnel Management
SBA	Small Business Administration
SSA	Social Security Administration
USMS	U.S. Marshals Service

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January 25, 2024

Congressional Committees

The Federal Employee Paid Leave Act of 2019 (FEPLA) provided a new paid parental leave benefit to most federal civilian employees.<sup>1</sup> FEPLA amended the Family and Medical Leave Act of 1993 (FMLA), which provided a federal entitlement of up to 12 weeks of unpaid leave to most federal employees for a variety of caregiving and medical purposes.<sup>2</sup> Beginning October 1, 2020, eligible federal employees were able to substitute up to 12 weeks of FMLA unpaid leave with FEPLA paid parental leave for the arrival of a new child by birth, or by placement for adoption or foster care. In 2021, Congress extended the paid parental leave benefit to other groups of federal employees not initially covered by FEPLA, including expanding eligibility of employees such as those at the Federal Aviation Administration and Transportation Security Administration.<sup>3</sup>

The Office of Personnel Management (OPM) conducted a regulatory impact analysis before FEPLA went into effect.<sup>4</sup> In its analysis, OPM estimated that the total salary paid for the full 12 weeks of parental leave taken would be about \$995 million government-wide per year. OPM also estimated that the program would cover approximately 2 million federal civilian employees and around 3 percent of these would have a birth or placement event in any 12-month period that would trigger eligibility for the program.

Studies cited by OPM indicated that paid parental leave can help provide several qualitative benefits to employees and employers, including:

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<sup>1</sup>National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020), Pub. L. No. 116-92, div. F, tit. LXXVI, subtit. A, §§ 7601-7606, 133 Stat. 1198, 2304-2309 (2019), as amended by William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA 2021), Pub. L. No. 116-283, div. A, tit. XI, subtit. A, § 1103, 134 Stat. 3388, 3886-3889 (2021).

<sup>2</sup>Family and Medical Leave Act of 1993 (FMLA), Pub. L. No. 103-03, 107 Stat. 6 (1993).

<sup>3</sup>Certain federal employees are not eligible for paid family leave. For example, U.S. Postal Service and Postal Regulatory Commission employees remain ineligible for FEPLA paid parental leave. See 5 U.S.C. § 2105(e).

<sup>4</sup>85 Fed. Reg. 48075 (Aug. 10, 2020).

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- increasing bonding time between parent and child,
  - making an employer more attractive to job seekers,
  - increasing employee morale and engagement,
  - increasing the likelihood of a birth mother returning to work, and
  - improving employee retention.

OPM also stated that by providing paid parental leave to its employees, the federal government is acting as a model employer, which could help influence the decision of other employers to offer similar benefits and allow parents around the country to spend additional time bonding with children.

The Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2023 directs us to review the use of paid parental leave.<sup>5</sup> This report (1) describes OPM data used and the resulting analysis of government-wide paid parental leave use, (2) assesses OPM and selected agencies' efforts to establish policies and procedures to implement FEPLA and address obstacles employees may face in using the program, (3) assesses OPM and selected agencies' efforts to raise awareness of the program to current and prospective employees, and (4) assesses OPM and selected agencies' efforts to monitor the effects of the leave on recruitment, retention, and hiring.

To address our first objective, we reviewed OPM's efforts to collect and analyze government-wide data on paid parental leave from OPM's 2021 Federal Employee Benefits Survey (FEBS) and 2022 Federal Employee Viewpoint Survey (FEVS). We assessed the reliability of each data source by reviewing OPM reports to understand how OPM designed and administered the surveys. We determined the data were sufficiently reliable for our purposes. These data were the most current information available at the time of our review.

- **Federal Employee Benefits Survey.** The FEBS allows federal employees to provide feedback on the importance, adequacy, and perceived value of the benefits available to them. OPM added two

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<sup>5</sup>Joint Explanatory Statement, pp. 2039-2040, *accompanying* the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA 2023), Pub. L. No. 117-263, 136 Stat. 2395 (2022).

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questions related to employee awareness of paid parental leave and its effect on retention for the 2021 FEBS.<sup>6</sup>

- **Federal Employee Viewpoint Survey.** The FEVS provides a platform for federal employees to share their opinions and perceptions regarding their work experiences. OPM added four questions related to the use of paid parental leave for the 2022 FEVS.<sup>7</sup>

To address our remaining objectives, we focused on reviewing three selected agencies to illustrate a range of paid parental leave use among agencies of different workforce sizes. We selected agencies based on: (1) the number of employees at each of the 24 Chief Financial Officers Act agencies, and (2) OPM's 2022 FEVS results showing the percent of employees by agency who used paid parental leave at any point from October 1, 2020 to July 22, 2022, and the number of weeks of paid parental leave employees used.<sup>8</sup> We selected agencies from among those that had either lower or higher paid parental leave participation rates and frequencies than most other federal agencies.

We selected the following agencies for review:

- Department of Justice (DOJ)

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<sup>6</sup>The 2021 FEBS included two questions related to paid parental leave for all survey participants: Q66: "Before reading this, were you aware of the Paid Parental Leave benefit?" and Q67: "To what extent does the availability of the Paid Parental Leave benefit influence your decision to *remain* in a job with the Federal Government?" OPM, *2021 Federal Employee Benefits Survey Report*, HI-03474-06/2022 (Washington, D.C.: June 2022).

<sup>7</sup>The 2022 FEVS included four questions related to paid parental leave: Q100: "Have you used the Paid Parental Leave benefit at any point from October 1, 2020 to today?" *Only those who answered "Yes" to Question 100 received Questions 100a and 100b.* Q100a: "For what purpose did you use Paid Parental Leave?" and Q100b: "How many weeks of Paid Parental Leave did you use during the 12-month period following a qualifying event (use can be either continuous or intermittent)?" *If the response to Question 100b was "Full 12 weeks" then Question 100c was skipped.* Q100c: "What were the primary reasons you used (or expect to use) less than 12 weeks of Paid Parental Leave? Choose all that apply." OPM, *Federal Employee Viewpoint Survey Results: Governmentwide Management Report* (Washington, D.C.: Nov. 30, 2022).

<sup>8</sup>We reviewed the 2022 FEVS results for questions 100 and 100b: "Have you used the Paid Parental Leave benefit at any point from October 1, 2020 to today?" "How many weeks of Paid Parental Leave did you use during the 12-month period following a qualifying event (use can be either continuous or intermittent)?" The 2022 FEVS was conducted from May 31, 2022 to July 22, 2022. OPM, *FEVS: Governmentwide Management Report* (Washington, D.C.: Nov. 30, 2022); *2022 Office of Personnel Management Federal Employee Viewpoint Survey Results: Technical Report* (Washington, D.C., n.d.).

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- We focused on the Justice Management Division (the central human resources office at DOJ), the U.S. Marshals Service (USMS), and Civil Division. We included USMS and Civil Division in this review because the components could provide perspectives on how paid parental leave was administered and used among DOJ's workforce in law enforcement and litigation—two of DOJ's main mission areas.
  - Small Business Administration (SBA)
  - Social Security Administration (SSA)

We compared OPM and the selected agencies' efforts to develop policies and procedures, raise awareness, and monitor the effects and use of paid parental leave with internal control standards. We interviewed union officials at all three of the selected agencies to obtain bargaining unit employee feedback that the union received about the paid parental leave program, including obstacles employees may have faced in using the program. The results of our interviews cannot be generalized. For more detailed information on our objectives, scope, and methodology, see appendix I.

We conducted this performance audit from February 2023 to January 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

Paid parental leave under FEPLA is available to covered employees for the birth or placement for adoption or foster care of a child that occurred on or after October 1, 2020. Paid parental leave under FEPLA is paid leave that is substituted for qualifying unpaid leave under FMLA. Paid parental leave may only be used *after* the occurrence of the birth or placement of the child involved—when an employee assumes a “parental” role—and may be used within 12 months of the child's arrival. No payment may be made by the employing agency for unused paid parental leave that has expired.

Before the birth or placement of a child, an employee may take unpaid FMLA leave—but cannot substitute FEPLA paid parental leave—to cover certain activities related to those events. The use of FMLA leave for purposes unrelated to paid parental leave can also limit the amount of substitutable paid parental leave available, depending on the timeframe in

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which it is taken. For example, if an employee exhausts all 12 weeks of FMLA unpaid leave to care for a spouse before the birth of a child, the employee may need to use other types of leave (e.g., sick leave) after the birth of the child. An employee may take sick leave or request annual leave without invoking FMLA unpaid leave.

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## Eligibility Requirements

To be eligible for paid parental leave, a federal employee must be eligible for FMLA leave and meet eligibility requirements, including:

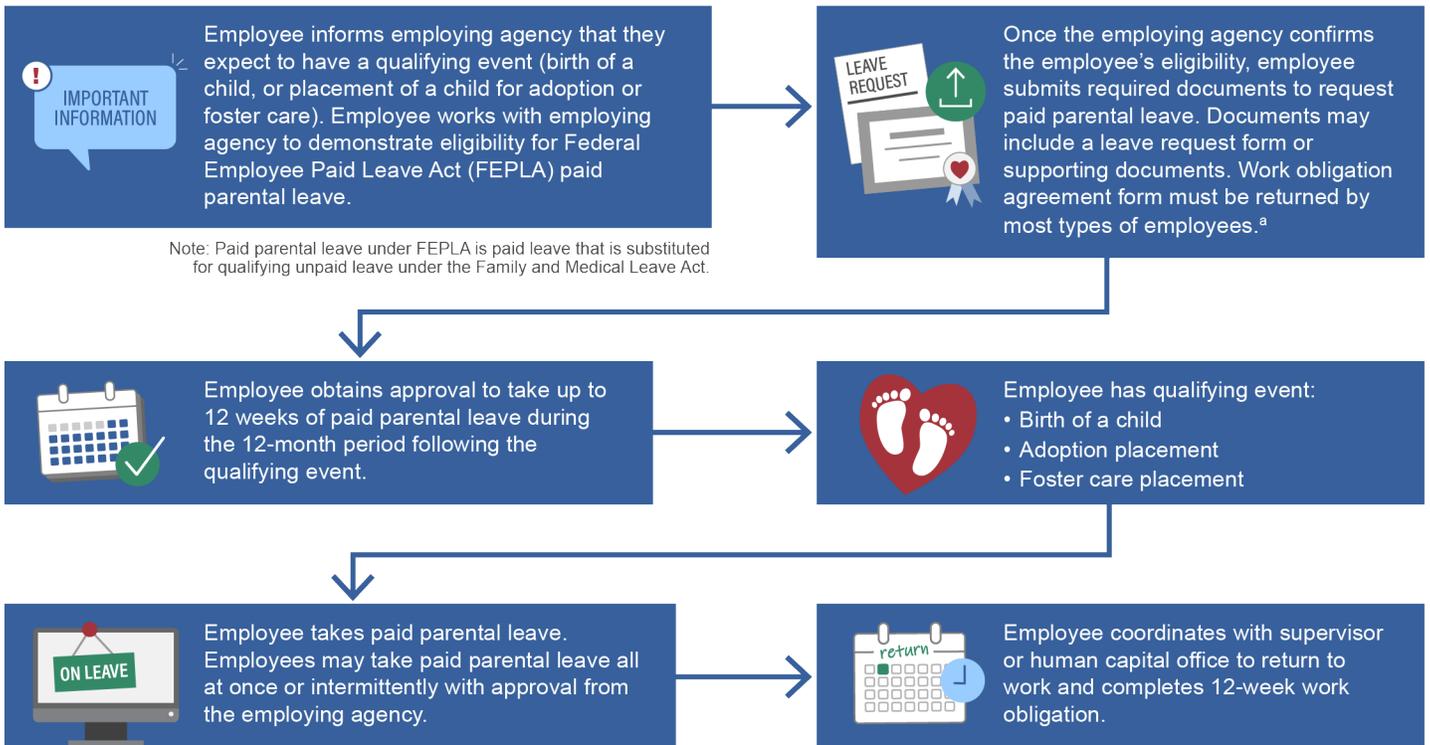
- completing at least 12 months of eligible federal service,
- having a part-time or full-time work schedule (i.e., individuals working on an intermittent basis are ineligible),
- having an appointment of more than 1 year in duration (i.e., employees with temporary appointments not to exceed 1 year are ineligible), and
- completing a written agreement to subsequently work for the applicable employing agency for no less than 12 weeks.<sup>9</sup>

Figure 1 shows the general requirements and process for federal employees to establish FEPLA eligibility, request, and take paid parental leave.

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<sup>9</sup>The work obligation is statutorily fixed at 12 weeks regardless of the amount of leave used by an employee. An agency head must waive the work obligation if an employee is unable to return to work because of a serious health condition related to the applicable birth or placement, or any other circumstance beyond the control of the employee. Some categories of federal employees, such as legislative branch employees covered under the Congressional Accountability Act, are eligible for paid parental leave but do not have to complete a required 12 months of eligible federal service prior to a qualifying event or enter into a return-to-work agreement. Pub. L. No. 116-92, div. F, tit. LXXVI, subtit. A, §§ 7601-7606, 133 Stat. 1198, 2304-2309 (2019), *as amended by* Pub. L. No. 116-283, div. A, tit. XI, § 1103, 134 Stat. 3388, 3886-3889 (2021).

**Figure 1: Example of Process for Federal Employees to Request and Take Paid Parental Leave**



Note: Paid parental leave under FEPLA is paid leave that is substituted for qualifying unpaid leave under the Family and Medical Leave Act.

Source: GAO analysis of Office of Personnel Management documentation. GAO illustrations. | GAO-24-106654

<sup>a</sup>Prior to using paid parental leave and with some exceptions, an employee is required to enter into a written service agreement to work for the applicable employing agency for 12 weeks after paid parental leave concludes.

## OPM's Interim Final Rule to Implement FEPLA

OPM published the interim final rule to implement FEPLA on August 10, 2020.<sup>10</sup> The rule revised FMLA regulations including employee eligibility requirements and agency responsibilities for implementing paid parental leave.

In its regulatory impact analysis, OPM estimated that the total value of the salary paid during the full 12 weeks of parental leave taken would be about \$995 million government-wide per year. OPM also noted that agencies will face ongoing administrative costs that may include hiring and training new staff to replace lost hours of work for employees taking

<sup>10</sup>85 Fed. Reg. 48075 (Aug. 10, 2020).

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the leave. OPM estimated annual recurring administrative costs of approximately \$8.2 million government-wide.

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## OPM Data Showed that Most Federal Employees Were Aware of Paid Parental Leave and Used the Full Amount Available

Since its implementation on October 1, 2020, OPM has collected government-wide data on the use and effects of paid parental leave through FEBS, FEVS, and EHRI. We found that OPM data showed the following:

**Most employees were aware of the paid parental leave program.**

According to OPM's 2021 FEBS, 67 percent of federal employees were aware of paid parental leave prior to reading about it in the survey.<sup>11</sup> For employees aged 40 or younger, 76 percent were aware of paid parental leave prior to reading about it in the survey.

**The number of employees who used paid parental leave generally aligned with OPM's initial estimates.** According to the 2022 FEVS, 4 percent of federal employees used paid parental leave at any point from October 1, 2020 through July 22, 2022.<sup>12</sup> OPM initially estimated that—in any 12-month period—around 3 percent of federal civilian employees would have a birth or placement event that would trigger eligibility for paid parental leave. OPM officials said that the number of employees using paid parental leave in a given 12-month period will be larger than the number of employees having a birth or placement event in that same period because it would include employees using leave for an event that occurred before the period began.

**Most employees that used the program did so for the birth of a child.**

According to the 2022 FEVS, 96 percent of federal employees who used paid parental leave used it for the birth of a child. Two percent of these federal employees used the leave based on placement of a child for adoption and two percent used the leave based on placement of a child for foster care, as shown in table 1.

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<sup>11</sup>The 2021 FEBS was administered from October 6, 2021 through November 5, 2021 to a random sample of approximately 50,000 permanent employees across the federal government. The 2021 FEBS had an overall response rate of 27 percent. The data are weighted to ensure the feedback from survey respondents is representative of the federal workforce. OPM, *2021 FEBS Report*, HI-03474-06/2022 (Washington, D.C.: June 2022).

<sup>12</sup>The 2022 FEVS was conducted from May 31, 2022 to July 22, 2022. Employees from the Department of Veterans Affairs, National Aeronautics and Space Administration, the Security and Exchange Commission, and U.S. African Development Foundation are not included in the 2022 FEVS results cited throughout this report because these agencies did not participate in the 2022 FEVS. OPM, *FEVS: Technical Report* (Washington, D.C., n.d.).

**Table 1: Responses to Federal Employee Viewpoint Survey (FEVS) Question Related to Use of Paid Parental Leave by Qualifying Event, 2022**

<b>Question 100a: For what purpose did you use Paid Parental Leave?<sup>a</sup></b>	<b>Percent response</b>
Birth of a child	96
Adoption placement of a child	2
Foster care placement of a child	2

Source: GAO analysis of Office of Personnel Management 2022 FEVS data. | GAO-24-106654

<sup>a</sup>Only those who answered “Yes” to Question 100 received Question 100a. Question 100: Have you used the Paid Parental Leave benefit at any point from October 1, 2020 to today? The 2022 FEVS was conducted from May 31, 2022 to July 22, 2022.

OPM’s analysis of the 2022 FEVS data found some differences across supervisory and pay characteristics among employees who used paid parental leave. For example:

- Senior leaders had a greater percentage of paid parental leave use connected to adoption (9 percent compared to an overall average of around 2 percent).<sup>13</sup>
- Senior leaders also had a greater percentage of paid parental leave use connected to foster care (around 9 percent compared to an overall average of around 2 percent).
- Employees in the Federal Wage System had a greater percentage of paid parental leave use connected to foster care placements compared to employees in other pay categories (around 6 percent compared to an overall average of about 2 percent).<sup>14</sup>

**A large majority of employees who took paid parental leave used the full 12-weeks of leave.** According to the 2022 FEVS, 81 percent of federal employees who used (or planned to use) paid parental leave took

<sup>13</sup>OPM defines senior leaders as the heads of departments/agencies and their immediate leadership team responsible for directing the policies and priorities of the department/agency. Senior leaders may hold either a political or career appointment and typically are a member of the Senior Executive Service or equivalent. OPM, *FEVS: Technical Report* (Washington, D.C., n.d.).

<sup>14</sup>The Federal Wage System is used for blue-collar employees who are paid by the hour. According to OPM’s analysis, employees in other pay categories included those in the General Schedule (GS) grades, Senior Executive Service, and Senior-Level/Scientific or Professional (SL/ST) positions.

the full 12 weeks of leave. The 19 percent of federal employees who used less than the full 12 weeks cited various reasons, as shown in table 2.

**Table 2: Responses to Federal Employee Viewpoint Survey (FEVS) Question Related to Reasons for Using Less than 12 Weeks of Paid Parental Leave, 2022**

<b>Question 100c: What were the primary reasons you used (or expect to use) less than 12 weeks of paid parental leave? Choose all that apply.<sup>a</sup></b>	<b>Percent response<sup>b</sup></b>
Did not feel I could be away from job responsibilities for a full 12 weeks	57
Concerned about the impact using the leave would have on my career advancement	29
Did not need to use the full 12 weeks of leave	29
Other reason	24
Did not feel that my supervisor supported my use of all 12 weeks of the leave	15
Did not feel that my coworkers supported my use of all 12 weeks of the leave	13
Meeting Family and Medical Leave Act (FMLA) eligibility requirements limited the amount of FMLA leave available to use within my FMLA 12-month period	4
Previous use of FMLA leave reduced the amount of paid parental leave available to me	2

Source: GAO analysis of Office of Personnel Management 2022 FEVS data. | GAO-24-106654

<sup>a</sup>Federal employees who used the full 12 weeks of paid parental leave in response to question 100b did not receive question 100c. Question 100b: How many weeks of paid parental leave did you use during the 12-month period following a qualifying event (use can be either continuous or intermittent)?

<sup>b</sup>The total percentage sums to over 100 because respondents could select more than one response.

OPM conducted some analysis of the 2022 FEVS data for federal employees who used paid parental leave but did not take the full 12 weeks of leave. OPM found, for example:

- The percentage of women who used the full 12 weeks of leave was around 92 percent, compared to around 76 percent for men.
- For federal employees who used paid parental leave but did not take the full 12 weeks of leave, more men (around 60 percent) than women (around 43 percent) cited not feeling that they could be away from job responsibilities for a full 12 weeks.
- Members of the Senior Executive Service who used paid parental leave were less likely to use the full 12 weeks of the leave than employees in other pay categories who also used the leave (around

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65 percent for Senior Executive Service members compared to 81 percent for employees overall).

In addition, OPM officials told us they observed considerable agency variability in the 2022 FEVS percentages of employees who used paid parental leave but did not use the full 12 weeks of leave because (1) they were concerned about the impact on their career advancement, and (2) their coworkers and supervisors did not support their use of all 12 weeks of leave. OPM officials said that the variations may reflect differences in agency culture or the nature of the agency's mission. They said that their ongoing and planned research may help them understand the causes and if there are any sustained disparities in paid parental leave use that need to be addressed.

**Paid parental leave influenced the decision of many employees to remain in the federal government.** According to the 2021 FEBS, paid parental leave had a "great" or "moderate" influence on employees deciding whether to remain in a job with the federal government for 55 percent of federal employees aged 40 or younger.

In fiscal year 2023, OPM conducted an evaluation describing federal employees' use of paid parental leave across employment and personal demographics. OPM analyzed EHRI payroll data and human resources data to conduct its evaluation. OPM expects to publish its evaluation of paid parental leave in January 2024.

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## Selected Agencies Used OPM Guidance, but Information on OPM's Public Webpage Is Outdated

Selected Agencies Reported They Used OPM Guidance to Establish Their Paid Parental Leave Policies and Procedures and Did Not Identify Employee Obstacles

OPM issued guidance that the selected agencies reported they used to establish policies and procedures for implementing paid parental leave, including standard operating procedures, paid parental leave request forms, return to work agreements, and frequently asked questions. Accordingly, we found that OPM and the selected agencies developed

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processes that aligned with internal control standards to design control activities.<sup>15</sup>

**OPM.** On August 7, 2020, OPM issued a memorandum to heads of agencies announcing the FEPLA interim regulations.<sup>16</sup> The memorandum included a summary of key features of paid parental leave, templates for requesting paid parental leave and the 12-week work obligation agreement, and examples of acceptable supporting documentation that employees may submit when requesting the leave. In addition, OPM briefed agency human capital officials to describe key elements of the program. For example, OPM presented different scenarios of how paid parental leave may be combined with other types of leave, such as unpaid FMLA leave, sick leave, annual leave, and leave without pay. Officials from the selected agencies said that they generally found OPM guidance helpful in creating their own policies.

**Selected agencies.** DOJ, SBA, and SSA used OPM guidance and templates, and participated in briefings with OPM to develop policies and procedures to implement paid parental leave. Paid parental leave policies at the selected agencies described the laws and regulations establishing the leave, employee eligibility, and the requirements for employees to submit supporting documentation. The policies also included requirements for employees to complete and submit an employee certification and work obligation form to their designated leave-approving official. In addition, the selected agencies' leave request and work obligation agreement forms were similar to the templates provided by OPM.

OPM and the selected agencies found no significant obstacles to employees using paid parental leave. SBA and USMS union officials told us their members were very appreciative of paid parental leave and had not heard of any issues of employees who were eligible to take the leave having difficulty doing so. SSA union officials told us their members found the benefit helpful but thought there were opportunities to expand paid parental leave eligibility criteria, such as eliminating the 12-month federal service requirement.

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<sup>15</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

<sup>16</sup>OPM, *Paid Parental Leave for Federal Employees Interim Regulations*, CPM 2020-10 (Aug. 7, 2020).

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## Users of OPM’s Webpage for Federal Leave Benefits Are Directed to Outdated and Inaccurate Information on Paid Parental Leave

OPM’s Leave Administration webpage includes handbooks and fact sheets intended to provide information on various topics concerning leave administration for federal employees.<sup>17</sup> For example, the webpage includes fact sheets on administrative leave, leave without pay, and sick leave. However, we found the webpage directs users to outdated information about FMLA before FEPLA went into effect.

Specifically, the webpage directs users to the 2015 Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, which does not reflect the availability of paid parental leave provided under FEPLA. The webpage also does not include FEPLA fact sheets. As of December 2023, we found that none of the relevant handbooks or fact sheets on OPM’s Leave Administration webpage mentioned FEPLA or paid parental leave. Internal control standards state that quality information that is current and accurate should be used to achieve objectives.

In September 2023, OPM officials told us that they had not yet completed updating the Handbook and fact sheets on OPM’s webpage because it has competing priorities and limited staff available to update paid parental leave guidance. OPM officials said that they intended to do so as staff resources and workload permitted. In addition, OPM officials told us that they initially waited to issue updated guidance until the FEPLA regulations were finalized, to give agencies time to administer the new benefit and identify any issues, and address any potential legislative changes to FEPLA.

Because users of OPM’s “Leave Administration” webpage cannot access current and accurate information on paid parental leave, OPM is missing an opportunity to help raise awareness of paid parental leave and ensure that federal employees understand their eligibility.

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<sup>17</sup>OPM’s leave administration website: [Leave Administration \(opm.gov\)](https://www.opm.gov/leave-administration) (last visited Dec. 2023).

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**Selected Agencies  
Communicated Paid  
Parental Leave to  
Current Employees,  
but Did Not Initially  
Provide Information  
for Recruitment  
Purposes**

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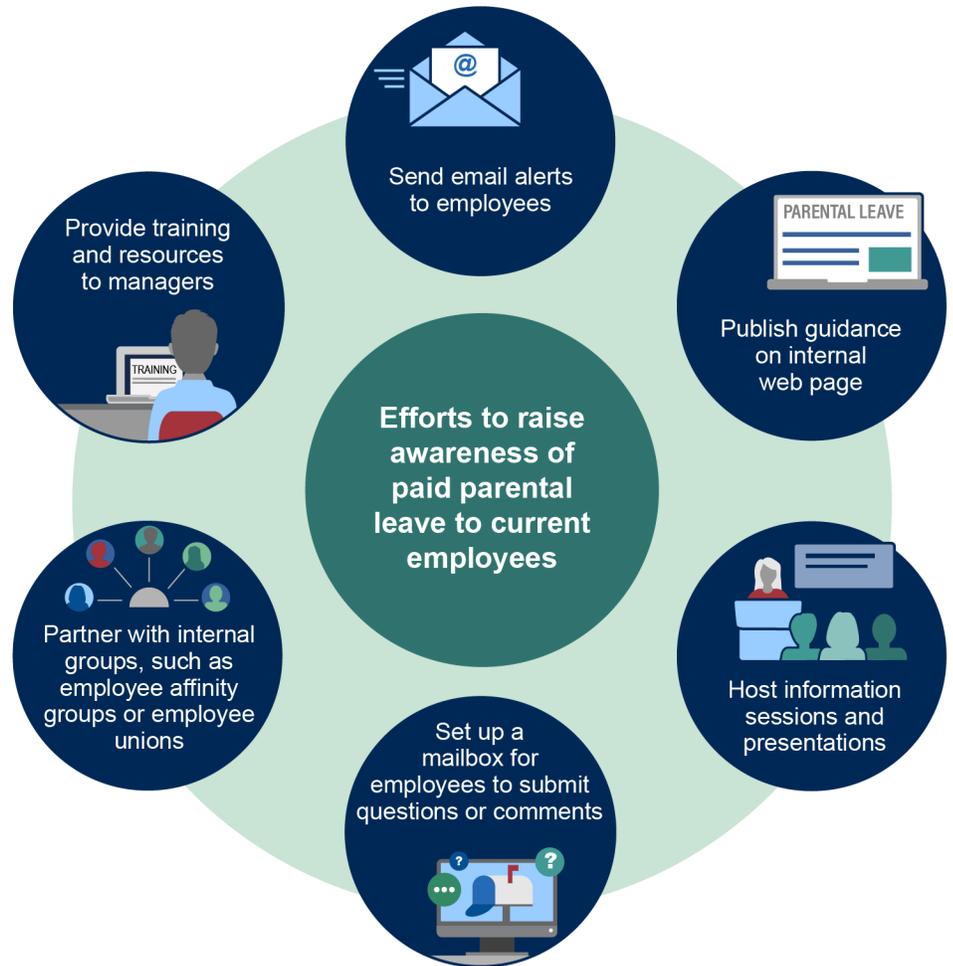
**Selected Agencies Used  
Multiple Channels to  
Communicate Paid  
Parental Leave to Their  
Employees**

We found the selected agencies' efforts to increase awareness of paid parental leave aligned with internal control standards to internally communicate the necessary quality information to achieve objectives.<sup>18</sup> Examples of their efforts to raise awareness, which included publishing guidance documents on internal webpages, emailing employees with reminders and information, providing training for managers, and hosting information sessions, are shown in figure 2.

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<sup>18</sup>[GAO-14-704G](#).

**Figure 2: Examples of Selected Agency Efforts to Raise Awareness of Paid Parental Leave to Current Employees**



Source: GAO analysis of statements made by agency officials and documents from the Small Business Administration, Social Security Administration, and Department of Justice. GAO illustrations. | GAO-24-106654

Union officials we spoke with said that their respective agencies' communication about paid parental leave was helpful and generally effective. SSA union officials added that additional efforts to disseminate information on paid parental leave—such as posting flyers in the office—could help increase awareness of the program. SSA union officials shared these suggestions with SSA.

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**Selected Agencies Did Not Initially Provide Paid Parental Leave Information on Webpages for Employee Recruitment, but Took Steps to Resolve**

We reviewed public-facing webpages highlighting compensation and benefits packages for SBA, SSA, and DOJ. We found that selected agencies' public-facing webpages designed to communicate federal benefits to prospective employees did not reflect current paid parental leave policies. For example, DOJ's department-wide "Benefits" webpage mentioned health benefits, life insurance, long-term care insurance, retirement benefits, vacation and leave benefits, flexible work schedules, and FMLA, but did not mention paid parental leave.

During the course of our review, we told officials at the selected agencies that the public-facing webpages did not mention that their agency offered paid parental leave. We noted that doing so could help with employee recruitment efforts. DOJ, SBA and SSA agreed and updated the relevant public-facing webpages accordingly.

Internal control standards state that necessary quality information should be externally communicated to achieve the entity's objectives. Moreover, we previously identified actionable strategies that agencies may use to effectively manage the future federal workforce. These strategies include increasing awareness of and tailoring benefits and incentives to employees' needs, which may help agencies compete for top talent even in labor markets where federal pay may not be competitive.<sup>19</sup>

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**OPM Is Evaluating the Effects of Paid Parental Leave and Selected Agencies Are Monitoring Its Use**

**OPM.** OPM is evaluating the effects of paid parental leave as part of its broader agency-wide evaluation activities. OPM's Fiscal Year 2024 Annual Evaluation Plan includes research questions that show the agency expects to evaluate the effect of paid parental leave on federal employees' use of leave, retention, career advancement, and performance. OPM plans to include information from EHRI data on federal employees' demographic information and use of paid parental leave. OPM expects to collaborate with the Department of Labor to address some of the research questions, such as the effect of paid parental leave on short-term retention and employees' career advancement.

OPM officials said that they also plan to administer the next FEBS in October 2023. The 2023 FEBS will include several questions on paid parental leave that were like those in the 2022 FEVS, such as whether respondents used the full 12 weeks of leave. OPM officials said that they

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<sup>19</sup>GAO, *Federal Workforce: Key Talent Management Strategies for Agencies to Better Meet Their Missions*, [GAO-19-181](#) (Washington, D.C.: Mar. 28, 2019).

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plan to add a question about the effect of paid parental leave on recruitment. OPM expects to publish the results of the 2023 FEBS in spring 2024.

**Selected agencies.** Selected agencies reported they were reviewing payroll data from their time and attendance systems to monitor the use of paid parental leave and identify any data irregularities. For example, SBA officials stated that they review routine reports generated from SBA’s time and attendance system to ensure that employees are adhering to their planned use of the leave. If SBA officials identify any data irregularities, they told us they contact the employee’s leave-approving official to resolve the discrepancies.

Officials at the selected agencies told us that their time and attendance systems can alert employees when their timecard entries include irregularities. For example, USMS officials stated that its payroll provider—the National Finance Center—has established payroll codes so that employees will receive an automated error message when they record in excess of the maximum 480 total hours of paid parental leave.

Officials from the selected agencies told us that they do not yet know if paid parental leave is influencing agency recruiting, hiring, and retention.<sup>20</sup> They said that they are primarily focused on administering the program and ensuring that the program is known and available to eligible employees. DOJ officials also said that it may be too early to identify the effects of paid parental leave and difficult to isolate the effects of paid parental leave when compared to other federal benefits.

For example, USMS agency officials stated that the effects of the program on recruitment, hiring, and retention may be less relevant to their agency than other federal agencies, as some of its employees are hired from other federal agencies that offer the same benefits. Similarly, USMS union officials told us that the effects of the program on retention might be relatively minimal because they observed that most employees who leave the agency seem to find a job at another federal agency, which would likely offer the same benefit. Agency officials and union officials told us

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<sup>20</sup>We recently reported in our 2023 High Risk report that federal agencies face significant challenges in recruiting, hiring, and retaining employees with the necessary skills to meet the needs of the American Public. GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

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that they have received feedback from employees that they appreciate the new benefit and it has been helpful.

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## Conclusions

Paid parental leave can potentially help make federal employment more attractive to job seekers, increase employee morale and engagement, and reduce turnover. While OPM and the selected agencies we reviewed have developed policies and procedures to implement the program, we identified instances where OPM guidance is outdated. Specifically, OPM's public-facing Leave Administration webpage contains the 2015 Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care and fact sheets that do not reflect the status of paid parental leave since FEPLA became law. Without posting updated guidance, users of OPM's webpage may not access current and accurate information on paid parental leave or be aware of the availability of the leave. OPM's updated guidance on its webpage could help raise awareness and ensure that agencies and federal employees have the information they need to determine paid parental leave eligibility, which in turn could ensure that these employees obtain benefits for which they are eligible.

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## Recommendation for Executive Action

The Director of OPM should update the 2015 Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care and associated fact sheets on its "Leave Administration" webpage to include current and accurate paid parental leave information. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to OPM, DOJ, SBA, and SSA for review and comment.

OPM agreed with the recommendation to update the 2015 Handbook and associated fact sheets on its webpage to include current and accurate paid parental leave information. OPM officials said that they plan to have the identified guidance updated by the end of 2024. OPM also provided technical comments, which we incorporated as appropriate. OPM's comments are reproduced in appendix II.

SBA, SSA, and DOJ did not have any comments on the report.

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We are sending copies of this report to the appropriate congressional committees, the Director of OPM, the Attorney General, the Administrator of SBA, and the Commissioner of SSA. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

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If you or your staff have any questions about this report, please contact me at (202) 512-6806 or [locked@gao.gov](mailto:locked@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.

A handwritten signature in black ink, appearing to read "Dawn G. Locke". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Dawn G. Locke  
Director, Strategic Issues

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*List of Committees*

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The Honorable James Comer  
Chairman  
The Honorable Jamie Raskin  
Ranking Member  
Committee on Oversight and Accountability  
House of Representatives

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# Appendix I: Objectives, Scope, and Methodology

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The Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2023 directs us to review the use of paid parental leave.<sup>1</sup> This report (1) describes Office of Personnel Management (OPM) data used and the resulting analysis of government-wide paid parental leave use, (2) assesses OPM and selected agencies' efforts to establish policies and procedures to implement the Federal Employee Paid Leave Act of 2019 (FEPLA) and address obstacles employees may face in using the program, (3) assesses selected agencies' efforts to raise awareness of the program to current and prospective employees, and (4) assesses OPM and selected agencies' efforts to monitor the effects of the leave on recruitment, retention, and hiring.

To address our first objective, we reviewed OPM's efforts to collect and analyze government-wide data on paid parental leave from OPM's 2021 Federal Employee Benefits Survey (FEBS), 2022 Federal Employee Viewpoint Survey (FEVS), and Enterprise Human Resources Integration (EHRI) payroll and human resources data for calendar year 2022. These data were the most current information available at the time of our review.

- **Federal Employee Benefits Survey.** The FEBS allows federal employees to provide feedback on the importance, adequacy, and perceived value of the benefits available to them. OPM added two questions related to employee awareness of paid parental leave and its effect on retention for the 2021 FEBS.<sup>2</sup> OPM administered the 2021 FEBS to a random sample of approximately 50,000 permanent employees across the federal government and received a 27 percent response rate.<sup>3</sup> Throughout this report, we refer to participating employees in this sample when referring to 2021 FEBS results. OPM has conducted the FEBS every other year since 2011. We assessed the reliability of these data by reviewing OPM's methodology in its

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<sup>1</sup>Joint Explanatory Statement, pp. 2039-2040, *accompanying* the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA 2023), Pub. L. No. 117-263, 136 Stat. 2395 (2022).

<sup>2</sup>The 2021 FEBS included two questions related to paid parental leave for all survey participants: Q66: "Before reading this, were you aware of the Paid Parental Leave benefit?" and Q67: "To what extent does the availability of the Paid Parental Leave benefit influence your decision to *remain* in a job with the Federal Government?" OPM, *2021 Federal Employee Benefits Survey Report*, HI-03474-06/2022 (Washington, D.C.: June 2022).

<sup>3</sup>According to OPM, the FEBS data are weighted to ensure the feedback from survey respondents is representative of the federal workforce. OPM, *2021 FEBS Report*, HI-03474-06/2022 (Washington, D.C.: June 2022).

2021 FEVS report, including the sample design, timeframe for administering the survey, and the survey response rate. We determined the data were sufficiently reliable for our purposes.

- **Federal Employee Viewpoint Survey.** The FEVS provides a platform for federal employees to share their opinions and perceptions regarding their work experiences. OPM added four questions related to the use of paid parental leave for the 2022 FEVS.<sup>4</sup> OPM sent survey invitations to nearly 1.6 million employees and 557,778 respondents (35 percent) completed the 2022 FEVS.<sup>5</sup> The survey population for the 2022 FEVS primarily consisted of permanent, full- and part-time employees, as well as employees in phased retirement.<sup>6</sup> Twenty-two of the 24 Chief Financial Officers Act agencies were among those that participated in the 2022 FEVS.<sup>7</sup> Throughout this report, we refer to participating employees at these and other agencies when referring to 2022 FEVS results. OPM has conducted the FEVS every year since 2010. We assessed the reliability of these data by reviewing OPM's 2022 FEVS

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<sup>4</sup>The 2022 FEVS included four questions related to paid parental leave: Q100: "Have you used the Paid Parental Leave benefit at any point from October 1, 2020 to today?" *Only those who answered "Yes" to Question 100 received Questions 100a and 100b.* Q100a: "For what purpose did you use Paid Parental Leave?" and Q100b: "How many weeks of Paid Parental Leave did you use during the 12-month period following a qualifying event (use can be either continuous or intermittent)?" *If the response to Question 100b was "Full 12 weeks" then Question 100c was skipped.* Q100c: "What were the primary reasons you used (or expect to use) less than 12 weeks of Paid Parental Leave? Choose all that apply." OPM, *Federal Employee Viewpoint Survey Results: Governmentwide Management Report* (Washington, D.C.: Nov. 30, 2022).

<sup>5</sup>According to OPM, the 2022 sample size was more than sufficient to ensure a 99 percent chance that the true population value would be between plus or minus 1 percent of any estimated percentage for the total federal workforce. OPM, *2022 Office of Personnel Management Federal Employee Viewpoint Survey Results: Technical Report* (Washington, D.C., n.d.).

<sup>6</sup>The survey population for the 2022 OPM FEVS included permanently employed, non-political, non-seasonal, full- or part-time and phased retirement federal employees who were employed as of November 2021. In 2022, expanded eligibility was maintained to include non-permanent and additional work schedules, but only if the participating agencies opted to include those populations. Political appointees, contractors, and non-federal employees remained ineligible to participate. OPM, *FEVS Results: Technical Report* (Washington, D.C., n.d.).

<sup>7</sup>Agencies that participated in previous surveys, but did not participate in the 2022 OPM FEVS, included the Department of Veterans Affairs, National Aeronautics and Space Administration, the Security and Exchange Commission, and U.S. African Development Foundation. OPM, *FEVS Results: Technical Report* (Washington, D.C., n.d.). Some of these agencies, such as the Department of Veterans Affairs and National Aeronautics and Space Administration, administered their own surveys.

Governmentwide Management Report and 2022 FEVS Technical Report to obtain details about OPM's methodology, including sample design, timeframe for administering the survey, and survey response rate. We determined the data were sufficiently reliable for our purposes.

- **Enterprise Human Resources Integration.** EHRI is the primary data warehouse for OPM to collect a variety of human capital information from federal agencies, including payroll data. The payroll data provides information on how federal employees allocate their time, which is reflected in hours charged to specific categories of work or leave. In January 2021, OPM began collecting in EHRI paid parental leave hours used for the birth of a child, adoption related placement, and foster care placement. Information for over 2 million federal civilian employees is transmitted to EHRI from various payroll service centers every 2 weeks.

For the 2021 FEBS and 2022 FEVS, we reviewed survey response rates and OPM reports to determine how OPM designed and administered the surveys. We interviewed OPM officials knowledgeable about the FEBS and FEVS data about how to appropriately characterize the data.

We also reviewed OPM's efforts to identify and address data limitations of its EHRI analysis for its fiscal year 2023 evaluation of paid parental leave. For example, OPM noted that agencies and payroll providers began reporting paid parental leave use at different times. In addition, OPM identified instances where agencies had reported lower usage of paid parental leave than expected due to issues with agencies' time and attendance systems.<sup>8</sup>

We interviewed OPM officials knowledgeable about EHRI data to understand how OPM planned to address the identified data limitations and determined that OPM intended to take reasonable steps to address the limitations. OPM officials told us that they expect to publish their evaluation of paid parental leave in January 2024.

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<sup>8</sup>In 2016, we previously identified a variety of data reliability issues with EHRI payroll data and made five recommendations to improve the reliability and availability of the data. We found that unless OPM takes steps to correct these weaknesses, it will be unable to fully leverage these data to meet its mission and allow others to make full use of these data for their research needs. OPM took action to address some, but not all, of our related recommendations. GAO, *Federal Human Resources Data: OPM Should Improve the Availability and Reliability of Payroll Data to Support Accountability and Workforce Analytics*, [GAO-17-127](#) (Washington, D.C.: Oct. 7, 2016).

To address our remaining objectives, we determined that selected agency reviews were the most effective and efficient method for illustrating a range of paid parental leave use among agencies of different workforce sizes. We selected agencies based on: (1) the number of employees at each of the 24 Chief Financial Officers Act agencies, and (2) OPM's 2022 FEVS results showing the percent of employees by agency who used paid parental leave at any point from October 1, 2020 to July 22, 2022, and the number of weeks of paid parental leave employees used.<sup>9</sup> We selected agencies from among those that had either lower or higher paid parental leave participation rates and frequencies than most other federal agencies.

We selected the following agencies for review:

- Department of Justice (DOJ)
  - We focused on the Justice Management Division (the central human resources office at DOJ), the U.S. Marshals Service (USMS), and Civil Division. We included USMS and Civil Division in this review because the components could provide perspectives on how paid parental leave was administered and used among DOJ's workforce in law enforcement and litigation—two of DOJ's main mission areas.
- Small Business Administration (SBA)
- Social Security Administration (SSA)

For our second objective, we compared documents and testimonial evidence from OPM and selected agencies with internal control standards for designing control activities. We reviewed selected agencies' policies and procedures and OPM and Chief Human Capital Officers Council guidance documents for administering the paid parental leave program. We reviewed federal statutes and regulations pertaining to paid parental leave. We interviewed union officials at all three of the selected agencies to obtain bargaining unit employee feedback that the union received about the paid parental leave program, including obstacles employees

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<sup>9</sup>To select our agencies, we reviewed the 2022 FEVS results for questions 100 and 100b: "Have you used the Paid Parental Leave benefit at any point from October 1, 2020 to today?" "How many weeks of Paid Parental Leave did you use during the 12-month period following a qualifying event (use can be either continuous or intermittent)?" We determined questions 100 and 100b were most relevant for our agency selection criteria. The 2022 FEVS was conducted from May 31, 2022 to July 22, 2022. OPM, *FEVS Results: Governmentwide Management Report* (Washington, D.C.: Nov. 30, 2022); *FEVS Results: Technical Report* (Washington, D.C., n.d.).

may have faced in using the program. At DOJ, we spoke with union officials that represented USMS. Union officials representing DOJ's Civil Division did not provide comments. The results of our interviews cannot be generalized.

For our third objective, we compared OPM and selected agencies' efforts to raise current and prospective employee awareness of paid parental leave with internal control standards for internal and external communication. We assessed selected agencies' documents, such as presentations and emails, and testimonial evidence to communicate paid parental leave information to current employees. We reviewed selected agencies' public-facing compensation and benefits webpages to identify the extent to which selected agencies included paid parental leave information that could be accessed by prospective employees for recruitment purposes. We interviewed union officials at our selected agencies to obtain bargaining unit employee feedback on agency efforts to raise awareness of paid parental leave among current employees.

For our fourth objective, we compared documents and testimonial evidence from OPM and selected agencies with internal control standards for monitoring activities. For example, we reviewed OPM's Fiscal Year 2023 and 2024 Annual Evaluation Plans and interviewed OPM officials to identify OPM's efforts to monitor the use of paid parental leave for recruitment, hiring, and retention purposes. We also interviewed selected agency officials to identify the extent to which selected agencies were collecting and reviewing information on the use and effects of paid parental leave.

# Appendix II: Comments from the Office of Personnel Management



## UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

December 29, 2023

Shea Bader  
Assistant Director  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Bader:

Thank you for providing us the opportunity to respond to the Government Accountability Office (GAO) draft report, Paid Parental Leave OPM and Selected Agencies Should Take Steps to Further Raise Awareness of the Program, GAO-24-106654.

Agency response to the recommendation is below:

**Recommendation #1:** The Director of OPM should update the 2015 Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care and associated fact sheets on its "Leave Administration" webpage to include current and accurate paid parental leave information.

**Management Response:** Concur. OPM plans to have the identified guidance updated by the end of 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Veronica E. Hinton".

Veronica E. Hinton  
Associate Director  
Workforce Policy and Innovation

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

Dawn G. Locke, (202) 512-6806 or [locked@gao.gov](mailto:locked@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Shea Bader (Assistant Director), Jessica Walker (Analyst-In-Charge), Jacqueline Chapin, Jeff DeMarco, Carl Nadler, Steven Putansu, Dylan Stagner, Alicia White, and Mercedes Wilson-Barthes made significant contributions to this report.

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