



## Paid parental leave for federal workers: A foreshadow of what's to come?

By Jeffrey B. Gilbreth and Jessica S. Jewell

As we predicted earlier this year, paid parental leave continues to be a hot topic.<sup>1</sup> After years of federal proposals regarding paid family and/or medical leave for employees going nowhere, the federal government is on the brink of a historic milestone: providing paid parental leave to approximately two-million federal workers.

Both houses of Congress have now passed landmark legislation that, if signed into law, will give federal workers twelve weeks of paid leave in connection with the birth or adoption of a child. President Trump is expected to sign the Federal Employee Paid Leave Act (part of the National Defense Authorization Act for Fiscal Year 2020). Ivanka Trump, the president's daughter, has been a vocal advocate for paid parental leave.

While this program will provide the paid leave to federal government employees—thus, not covering private sector and state and local government officials—this is likely the first step, not the last, for federal legislation mandating paid leave. Employers should not be surprised if, after passing this measure, the federal government passes future legislation mandating that private-sector employers provide similar paid parental leave benefits. Further, although the focus to date has been on parental leave—not family or medical—it is also possible that in the future, the federal government could require employers (including private employers) to provide paid leave in these circumstances as well.

We will, of course, continue to monitor legislative developments to see if Congress expands the scope of the paid leave benefits to circumstances other than the birth/adoption of a child and/or to private employers. If there is such an expansion, it is possible that it will not affect all employers (e.g., smaller employers could be exempt), or Congress could model legislation on some existing state laws that mandate coverage regardless of size through a tax program (funded by a payroll tax).

---

<sup>1</sup> See our alert, “As more and more states implement paid leave laws, will mandated vacation become the new normal?” [available here](#).

Private employers of all sizes need to remember that there are existing state and local paid leave laws in place in many jurisdictions. So while this congressional action may only impact federal employees, many employers are already subject to these state/local laws.

If you have questions about the requirements of paid leave for your workforce, please contact any of Nixon Peabody's labor and employment attorneys who are members of our Paid Family/Medical Leave team:

- Jeffrey B. Gilbreth at [jgilbreth@nixonpeabody.com](mailto:jgilbreth@nixonpeabody.com) or 617-345-1371
  - Jessica S. Jewell at [jsjewell@nixonpeabody.com](mailto:jsjewell@nixonpeabody.com) or 401-454-1046
  - Kim Harding at [kharding@nixonpeabody.com](mailto:kharding@nixonpeabody.com) or 585-263-1037
  - Chris Higgins at [chiggins@nixonpeabody.com](mailto:chiggins@nixonpeabody.com) or 617-345-1349
  - David Tauster at [dtauster@nixonpeabody.com](mailto:dtauster@nixonpeabody.com) or 516-832-7559
  - Seth Neulight at [sneulight@nixonpeabody.com](mailto:sneulight@nixonpeabody.com) or 415-984-8377
  - Brian Alcala at [bvalcala@nixonpeabody.com](mailto:bvalcala@nixonpeabody.com) or 312-977-4366
  - Brittany Bogaerts at [bbogaerts@nixonpeabody.com](mailto:bbogaerts@nixonpeabody.com) or 312-977-4356
-