HEADQUARTERS, UNITED STATES FORCES, KOREA
UNIT #15237
APO AP 96205-0010

REPLY TO
ATTENTION OF:

EAGA-CP-LPM

15 NOV 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Establishment of the Childcare Leave Program for United States Forces Korea (USFK) Korean Employees

1. The Republic of Korea (ROK) Government has established the Childcare Leave Program for Korean workers in the public and private sectors and has enacted the program in Article 19, Childcare Leave, Equal Employment Act, Labor Laws of the Republic of Korea.

2. Paragraph 3, Article XVII, US-ROK Status of Forces Agreement, provides that to the extent not inconsistent with the provisions of Article XVII or the military requirements of the United States Armed Forces, the conditions of employment, compensation, and labor-management relations established by the United States Armed Forces for their employees shall conform with provisions of labor legislation of the Republic of Korea.

3. In conformance with Korean labor laws, USFK will adopt the Childcare Leave Program for USFK Korean Employees. The enclosed new paragraph 7-12, Childcare Leave, USFK Regulation 690-1, Regulations and Procedures – Korean Nationals, establishes the Childcare Leave Program for USFK Korean employees. The use of this leave will be compensated by the ROK Government. The employer does not pay any portion of the childcare leave.

Encl
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CHARLES C. CAMPBELL
Lieutenant General, USA
Chief of Staff

DISTRIBUTION:
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7-12. CHILDCARE LEAVE.

a. An employee who has an infant less than 1 year of age is eligible for childcare leave. The use of childcare leave will be compensated by the Republic of Korea (ROK) Government. The employer will not pay any portion of the childcare leave. To be eligible for compensation from the Korean Employment Insurance Funds, ROK Government, an employee must have been employed more than 1 year and enrolled for a minimum of 180 days in the Employment Insurance Plan and management must have approved 30 days or more of childcare leave.

b. An employee whose spouse is also on childcare leave to take care of the same child is not eligible for payment. Payment will be made for every 30 days of leave taken from the beginning of childcare leave. An employee who is on childcare leave less than 30 days is not eligible for payment except if the remaining days of childcare leave are 16 days or more. If the remaining days are less than 16 days, payment will not be made.

c. An employee who has an infant less than 1 year of age is authorized to use childcare leave to take care of his/her infant whether by birth or by adoption. The period of childcare leave will not exceed 1 year nor extend beyond the first birthday of the infant.

d. An employee must provide notice of his or her intent to take childcare leave at least 8 weeks before leave is to begin, or in emergencies, as soon as practicable. A physician's certificate indicating the expected date of delivery must accompany the request of a male employee. An employee may request childcare leave using OPM Form 71, Request for Leave or Approved Absence.

e. The supervisor will initiate a Request for Personnel Action (RPA) for childcare leave without pay for an employee who requests childcare leave for more than 30 days and will submit it to the Civilian Personnel Operations Center (CPOC) or Civilian Personnel Office (CPO) or Civilian Personnel Flight (CPF) not later than 2 weeks prior to the beginning of the childcare leave. A copy of the Notification of Personnel Action (NPA) will be provided to the employee.

f. The supervisor will submit an RPA to the CPOC/CPO/CPF to return the employee from childcare leave to the position last held when childcare leave was approved within 3 workdays after the end of the childcare leave. A copy of the NPA will be provided to the employee.

g. An employee requesting payment of childcare leave by the Korean Employment Insurance Funds will obtain a copy of completed Certificate of Childcare Leave (육아휴직확인서) from the servicing CPAC/CPO/CPF, prepare a copy of Request for Employment Insurance Payment of Childcare Leave (고용보험육아휴직급여신청서),

and obtain a copy of ROK Certificate of Residence. The documents will be submitted to the servicing Employment Security Center, ROK Government, for payment of childcare leave. These forms, except the Certificate of Residence, are available on the website at http://www.work.go.kr. The servicing CPAC/CPO/CPF is responsible for completing the Certificate of Childcare Leave and for issuing a completed copy to the employee.

h. An employee may opt to take either childcare leave without pay or use annual leave during the period of childcare. Childcare leave without pay will be authorized at the employee's request, whether or not the employee has annual leave to his/her credit. If the employee opts for annual leave, he/she cannot receive payment of childcare leave from the ROK Government until his/her approved annual leave has been exhausted. No employees will be paid for use of annual leave from USFK if they are receiving benefits for childcare leave from the ROK Government.

i. The maximum period of childcare leave authorized will be 12 months for male employees and 10½ months for female employees.

j. Employees may submit requests for payment of childcare leave on a monthly basis after 30 days from the beginning of childcare leave or within 6 months after the end of the childcare leave. If employees choose to request monthly payments, employees must submit requests for monthly payment of childcare leave within the end of the following month after the end of the childcare leave month used.

k. The ROK Government will pay an employment subsidy to the employer for retention of an employee on the employment rolls without pay during the employee's childcare leave. An employer who authorizes childcare leave for an employee for more than 30 days and retains the employee on the payrolls for more than 30 days after the end of childcare leave is eligible for the subsidy.

l. The servicing CPAC/CPO/CPF is responsible for obtaining the following forms from an employee at the end of childcare leave and for forwarding them to the servicing payroll office for payment of the employment subsidy:

(a) A copy of the NPA, indicating childcare leave without pay.

(b) A copy of the NPA, indicating return of the employee to the position last held when the employee was approved for childcare leave.

(c) A copy of the ROK Certificate of Residence showing the child as a member of the household.

m. The servicing Korean payroll office of each component service will prepare the following documents and submit them with the forms shown in paragraph "l" above to the Employment Security Center, ROK Government, for payment of the employment subsidy:

(a) A copy of the Request for Payment of Subsidy for Acceleration of Female Employment (고용보험여성고용촉진장려금신청서).

(b) A copy of an earnings and leave statement for an employee after the employee's return to duty, indicating 30 days on the payroll.

The forms must be submitted no later than the end of the following month after the quarter in which childcare leave ends.

n. The period of childcare leave without pay will be included in the employee's total creditable service for RIF purposes and for crediting service for the appropriate annual leave category only. Annual leave and sick leave accruals, bonus and severance pay computations, and step increase during the period of childcare leave without pay will be administered in the same manner as for non-pay status as specified by the applicable provisions of this regulation.

o. An employee will not be terminated during the period of childcare leave or given unfavorable treatment for the sole reason of taking childcare leave; however, an employee on childcare leave will be subject to normal transfer of functions (TOF) or RIF rules and procedures.

p. Days are defined as calendar days unless indicated otherwise.