

SECTION 20. PARENTAL LEAVE

(As amended June 30, 2015, and February 14, 2017)

20-1. Definition.

Parental leave: An eligible employee's use of accrued paid leave, compensatory time, unpaid leave, or a limited number of hours of donated sick leave granted at the time of the birth, adoption, or foster placement of a child.

20-2. Eligibility for parental leave.

- (a) A department director must allow a full-time or part-time employee to use parental leave after the employee has been employed by the County in a merit system position for at least 6 consecutive months.
- (b) An employee who is the parent of a newborn child, newly adopted child, or newly placed foster child is eligible for parental leave. Grandparents, aunts and uncles, and other relatives are not eligible for parental leave.
- (c) In extenuating circumstances, the department director or the employee may submit a written request to the OHR Director to waive the requirement that an employee has been employed by the County in a merit system position for at least 6 consecutive months. Extenuating circumstances under this section generally relate to employment with the County and may include an employee:
 - (1) having been a County merit status employee in the past or having previously worked for the County in a temporary position; or
 - (2) how close the employee is to meeting the 6-month requirement.

20-3. Amount of parental leave.

- (a) A full-time employee may use up to 720 hours of parental leave during a 24-month period.
- (b) A full-time employee who works more than 40 regularly scheduled hours per week is entitled to use a prorated amount of parental leave.
- (c) A part-time employee who works less than 40 regularly scheduled hours per week is entitled to use a prorated amount of parental leave.

20-4. Use of parental leave.

- (a) An employee may use any combination of sick leave, annual leave, compensatory time, personal leave or leave without pay as parental leave.
- (b) An employee may use parental leave to care for the employee's newborn child, newly adopted child, or newly placed foster child. A spouse or domestic partner

may use parental leave to attend to the child's mother or other children in the family at the time of the birth, adoption, or foster placement of a child.

- (c) Parental leave must be used within 12 months of the birth of the child, placement of the child with the employee for adoption, or foster placement of the child. If the employee does not use the entire amount of parental leave within the 12-month period following the birth or placement of the child, the balance will remain available to the employee and may be used for a subsequent birth, adoption, or foster placement within the original 24-month period.
- (d) A department director must allow an eligible employee to use up to 720 hours of parental leave on a continuing basis. With the approval of the supervisor, an employee may use parental leave under a method involving a reduced workday or workweek or on an intermittent basis.
- (e) Except in an emergency when the need to use parental leave is not anticipated, an employee must provide 30 calendar days advance notice of the intent to use parental leave.
- (f) Parental leave generally commences after the birth of a child at a time when the mother and child are both doing well or immediately following the adoption of a child.
- (g) All hours used as parental leave must count against the employee's FMLA entitlement of 12 weeks in a leave year unless:
 - (1) the employee is not eligible for FMLA leave; or
 - (2) the employee has already exhausted the FMLA leave entitlement for the leave year; or
 - (3) the employee has used compensatory time as parental leave.
- (h) An employee who has used all available parental leave may still be entitled to use up to 12 weeks of FMLA leave in a leave year under Section 19 of these Regulations.

20-5. Relation of parental leave to other benefits.

- (a) A department director must not reassign the increment date of an employee who uses leave without pay as parental leave.
- (b) The County must maintain an employee's health and life insurance benefits for the period of leave without pay taken as parental leave.

- (c) After the employee returns from parental leave, the employee must repay the County for the employee's share of the cost of the insurance if the employee did not pay for insurance during the LWOP.

20-6. Use of sick leave as parental leave.

- (a) If an employee uses sick leave for either medical reasons related to childbirth or to attend to the child's mother or other children in the family at the time of birth or adoption of a child, the employee's use of sick leave must be deducted from the parental leave authorized by Section 20-3.
- (b) An employee may not use more than 120 hours of donated sick leave or donated PTO for an absence taken as parental leave.

20-7. Appeal of parental leave decision. An employee with merit system status who is adversely affected by an alleged improper, inequitable, or unfair application of the County's regulations and policies on parental leave may file a grievance under Section 34 of these Regulations.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to parental leave
Firefighter/Rescuer	7, Sick Leave 8, Parental Leave 11, Family Medical Leave 48, Job Sharing Program
OPT/SLT	15, Sick Leave 16, Leave Without Pay 18, Parental Leave 45, Family and Medical Leave
Police	16, Parental Leave 19, Sick Leave and Sick Leave Donor Procedure 23, Maintenance of Standards/Retention of Benefits 27, Secondary Employment 55, Job Sharing Program 59, Family Medical Leave Act 63, Childcare