

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: HUMAN RESOURCES DEPARTMENT

SUBJECT: PAID PARENTAL LEAVE

PPM #: CW-P-084

ISSUE DATE
March 9, 2021

EFFECTIVE DATE
March 9, 2021

PURPOSE:

To enable eligible employees to care for and bond with a newborn, newly adopted, newly placed foster child, or with a child newly placed in the employee's guardianship, or *in loco parentis* (qualified placement).

UPDATES:

Future updates to this PPM are the responsibility of the Director of Human Resources.

AUTHORITY:

- Palm Beach County Board of County Commissioners
- PPM# CW-P-077 – Family & Medical Leave Act and Domestic Partner Leave
- The Family Medical Leave Act (FMLA), as may be amended
- U.S. Equal Employment Opportunity Commission (Guidance Pregnancy Discrimination and Related Issues)
- Florida Statute § 382.002 (17) & § 382.002 (2)

POLICY:

Eligible male and female employees will receive a maximum of six (6) weeks of paid parental leave per birth, adoption or qualified placement of a child/children, for the purpose of bonding with the new child. An eligible employee who is the birthing mother may receive an additional two (2) weeks of paid leave if it is deemed medically necessary for the birthing mother to recover from a cesarean section delivery and/or other documented medical complications associated with the birth. An eligible employee may receive four (4) weeks of paid leave if the birth of the employee's child resulted in stillbirth, as defined by § 382.002 (17), Fla.Stat (2020). If a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) the total amount of paid parental leave granted for that event will not be increased. In addition, in no case will an employee receive more than one period of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or qualified placement event occurs within that 12-month time frame. An eligible employee includes a mother, father, step parent, legal guardian, individual who is *in loco parentis*, or certified domestic partner of the parent at the time of the birth or date of the adoption or placement of the child.

To be eligible for paid parental leave, a permanent full time non-bargaining or CWA employee must have worked for the County for at least twelve (12) months and worked at least 1,250 hours during the twelve-month period preceding the leave. Paid parental leave will run concurrently with the FMLA and must be utilized immediately starting the date of the birth, adoption, or qualified placement of a child. Annual leave and sick leave will continue to accrue during the period of paid parental leave, and the employee's regular payroll deductions for health insurance, retirement, and all other benefits will continue during the duration of paid parental leave.

An administrative period of one year will be used to determine the amount of scheduled hours the employee should be paid while out on Paid Parental Leave. The majority of the scheduled hours worked by the employee during the administrative period will be used to determine the amount of hours paid while out on Paid Parental Leave with the exception of schedule changes for medical accommodations.

DEFINITION:

Permanent Full Time Employee: For the purposes of the policy, a position with a work schedule of 30 hours or more that is funded for more than six (6) months, covered under our merit system and eligible for full employee benefits.

PROCEDURE:

I. General Procedures

- A. An eligible employee must submit all required documentation requesting FMLA leave at least thirty (30) days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit the documentation and FMLA request (or

request for Domestic Partner Leave) as soon as possible, according to the provisions of PPM-CW-P-077.

- B. Eligible employees will be paid at 100% of their base hourly rate of pay for their normal work schedule. Paid parental leave will be paid on a biweekly basis according to the County's regularly scheduled payroll calendar. If a holiday occurs during paid parental leave, the employee will receive holiday pay in lieu of paid parental leave, but a holiday does not extend the duration of the leave.

Approved paid parental leave must be taken on a continuous, consecutive basis during the period immediately starting the date of the birth, adoption, or placement of a child. Paid parental leave for the purpose of bonding with the child may not be used or extended beyond the six-week time frame

- C. An eligible employee who is the birthing mother may receive an additional two (2) weeks of leave at 100% of base pay if it is deemed medically necessary for the birthing mother to recover from a cesarean section delivery and/or other documented medical complications associated with the birth.
- D. Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the six or eight week time frame indicated above. Any unused paid parental leave will be forfeited at the end of the allowed period. In the event two employees working in the same department share a child and are both eligible for paid parental leave at the same time, a staggered leave may be granted by the Department Head, but in no case will the combined leave extend beyond twelve (12) weeks following the birth, adoption, or qualified placement of the child (or fourteen (14) weeks if the birthing mother of the child qualifies as noted in item "C" above.)
- E. Employees approved for paid parental leave shall not be eligible for leave donation under the provisions of PPM# CW-P-059.
- F. Upon voluntary termination of the employee's employment with the County, he or she will not be paid for any unused paid parental leave for which he or she was eligible. Further, any employee who fails to return to work due to a voluntary termination following a paid parental leave (or following the conclusion of FMLA leave) shall reimburse the County in an amount equivalent to the value of the paid parental leave taken either directly, or through deductions from his or her final pay check if the balance is sufficient to cover the amount owed, or through a combination thereof.

II. Coordination of Benefits

- A. Paid parental leave taken under this policy will run concurrently with leave under the

FMLA; thus, for any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth, adoption, or other qualified placement of a child, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave, whether paid or unpaid, granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. The Family and Medical Leave Act & Domestic Partner Leave Policy (CW PPM-P-077) provides further guidance on the FMLA.

- B. After the paid parental leave benefit is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick, vacation and personal time if available. Applicable short-term disability benefits commence after paid parental leave is concluded and run concurrent with paid leave benefits; certain paid leave benefits including sick time, offset short-term disability benefits. Employees should review their short-term disability certificate for program information.
- C. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. The Family and Medical Leave Act & Domestic Partner Leave Policy (PPM# CW-P-077) provides further guidance on the FMLA.
- D. The County will maintain all benefits for employees during the paid parental leave period just as if they were taking any other County paid leave such as paid vacation leave or paid sick leave. All associated payroll deductions will continue during the leave.
- E. If a paid holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.

III. Requests for Paid Parental Leave

- A. An eligible employee must submit a completed Paid Parental Leave HR form (see addendum #1), an approved FMLA "Designation Notice" (DOL form WH-382 – see addendum #2), and "Notice of Eligibility and Rights & Responsibilities" (DOL form WH-381 – see addendum #3) requesting FMLA and/or Domestic Partner Leave at least thirty (30) days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit the completed documentation as soon as possible. *Note: For adoptions or placement of a child, the "Notice of Eligibility and Rights & Responsibilities" (DOL form WH-381 – see addendum #3) must be completed by your department.
- B. An eligible employee who is the birthing mother may receive an additional two (2) weeks

of leave at 100% of base pay if it is deemed medically necessary for the birthing mother to recover from a cesarean section delivery and/or other documented medical complications associated with the birth. A birthing mother who opts to request this extension must provide the medical certification requirements under FMLA stating medical need. **Note: The health care provider must complete a prescription slip noting medical necessity related to the birth of the child for the additional 2 weeks of recuperation time. The health care provider's prescription slip must be completed, dated and signed.

- C. An eligible employee may receive four (4) weeks of leave at 100% of base pay following the stillbirth of a child, defined by section 382.002 (17), Fla.Stat (2020), as an unintended, intrauterine fetal death after a gestational age of not less than 20 completed weeks. An eligible employee who opts to request this leave must voluntarily provide an official copy of a "Certificate of Birth Resulting in Stillbirth" (ref. section 382.002 (2), Fla. Stat.
- D. An eligible employee will be required to furnish proof of birth.
- E. An eligible employee will be required to furnish appropriate adoption or foster care documentation, such as a letter from the respective agency, or from the attorney in cases of private adoptions.
- F. An eligible employee will be required to furnish proof of status of in loco parentis or legal guardianship.

IV. Exclusions

Surrogate mothers and sperm donors are excluded from coverage under this policy as are parents who elect to place their newborn child/children for adoption.

As is the case with all County policies, the County has the exclusive right to interpret this policy.


VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

PPM#, CW-P-084, issued 11/01/2017

PPM#, CW-P-084, issued 04/29/2017