



Parental Leave and Protections Policy

Policy Number: PP 2-11

Effective Date: July 1, 2017

Approved By: Roger L. Stancil, Town Manager

POLICY

The Town of Chapel Hill will provide six (6) weeks of job-protected, continuous paid parental leave to a benefited full or part-time employee who has been in pay status for the prior twelve (12) month period. This leave is granted following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. Adoption of stepchildren or a partner's children is excluded. This leave is not charged against any other leave. If the employee is eligible for FMLA, the paid parental leave is included in the total FMLA period. This policy will be in effect for births, adoptions or placements of foster children occurring on or after July 1, 2017. The Town provides other parental protections for pregnancy and nursing mothers as required by local, state, and federal laws.

PURPOSE

The purpose of parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. Paid Parental Leave supports our shared value of Teamwork by providing employees with leave to use during an important life event. The Director of Human Resource Development is authorized to issue procedures consistent with this policy.

R.E.S.P.E.C.T. VALUES



Teamwork: We participate in a cooperative work environment in order to support each other in our service to the community. We encourage an environment that fosters innovation and creativity.

APPROVAL

Roger L. Stancil, Town Manager



Parental Leave and Protections Procedures

Policy Number: PP 2-11

Effective Date: July 1, 2017

Approved By: Cliff Turner, Human Resources Development Director

PROCEDURES

These procedures are issued by the Director of Human Resource Development to implement the Parental Leave and Protections Policy, PP 2-11, issued by the Chapel Hill Town Manager. These procedures may be periodically updated.

A. PAID PARENTAL LEAVE

1. Eligibility for paid parental leave:

- a) Benefited full and part-time employees: All benefited full and part time employees in pay status for the prior 12 months are eligible for paid parental leave. Program support or temporary employees are not eligible.
- b) Eligible Parent: an eligible parent is defined as a birth parent, a spouse, a qualifying domestic partner, or a new adoptive or foster parent of a child under the age of 17. Domestic partners must provide evidence of financial and legal ties, such as a joint mortgage, insurance policy, domestic partner registration, or similar documentation. The adoption of a stepchild or a partner's child is excluded from this policy.
- c) Dually Employed Couples: When both parents are Town employees, each parent will receive six weeks of paid parental leave. Each parent must take the leave according to the provisions of this policy.

2. Length and Approval of Paid Parental Leave:

Length of Paid Leave: Eligible employees will receive a maximum of six (6) weeks of paid parental leave per birth, adoption, or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of paid parental leave granted for that event.

When a holiday occurs while a person is on paid parental leave, the employee will be paid for the holiday and the paid parental leave period will be extended by the number of days of the holiday.

- a) Limited to One Event in a Rolling 12-month Period: An employee receives only six (6) weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- b) How paid: Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- c) Paid Leave Must be Taken Continuously: Approved paid parental leave must be taken in a continuous period of leave.

d) Taken Immediately following Qualifying Event: Paid parental leave is taken immediately following the qualifying event.

- i. Request to Delay Leave: An employee may request to delay the start of their parental leave. The request to delay the leave must be submitted in writing prior to the qualifying event and must include specific start and end dates. A delayed paid parental leave must still be taken in one continuous period of leave and must be taken within 12 months of the qualifying event. Additional documentation may be required when requesting a delayed start to paid parental leave.

Although a delayed leave request will be given fair consideration, operational needs will be considered in determining whether to grant a delayed leave request. The department's operational needs may require that the leave be taken according to the policy provisions.

e) When Leave is Forfeited: Any remaining paid parental leave is forfeited upon an employee's return to work after being on leave or if not used within 12 months of the qualifying event.

f) Coordination with Short Term Disability: Please see your HRD partner regarding the coordination of Short Term Disability benefits with parental leave.

3. Coordination with Other Town Policies

a) FMLA leave: **IMPORTANT: The Town extends job protected paid parental leave to some employees who ARE NOT ELIGIBLE for FMLA leave. Please consult with your Human Resource Development partner to determine which options might be available to you given your specific situation.**

b) Paid Leave runs Concurrent with FMLA: If an employee is eligible for parental leave under the provisions of the federal Family and Medical Leave Act (FMLA), the FMLA leave shall run concurrently with Town paid parental leave. The Town complies with all legal requirements regarding FMLA leave for qualifying employees.

c) Dually employed couples: The Town offers FMLA for a total of 12 weeks per qualifying event to qualifying employees. If a dually employed couple becomes eligible for paid parental leave under the provisions of this policy, only one of the parent's leave will be counted against FMLA status for the qualifying event. The other parent will have job protected leave for the six week time frame, but this leave will not be under the provisions of FMLA. This parent must either return to work after the six week period or apply for other types of leave for which they may qualify.

d) Extended Medical Leave: an employee may extend medical leave for up to 12 months for the qualifying child's medical needs. This 12 month period is inclusive of the paid parental leave period and any leave taken under FMLA following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. Parents requesting additional medical leave under this provision should refer to **Personnel Policy 2-13, Non-FMLA Medical Leave** for information on the process and procedure to request non-FMLA medical leave.

4. Benefits:

a) Leave and Service Credited during Paid Leave: during periods of paid parental leave, the employee will accumulate vacation and sick leave and the employee will be credited with service for longevity, vacation accrual, and retirement purposes. The Town will continue to pay the employer's share of health insurance premiums and retirement contributions.

5. Job and Benefit Protection:

a) Employees should consult with HRD and Payroll: Because individual circumstances can vary widely, employees are strongly encouraged to personally consult with their HRD Partner and with the Payroll Department to receive full information on the impact of any extended leave period on their benefits. Unpaid leave status may affect certain benefits.

b) Return to Position: After authorized parental leave, an employee returns to their previous or similar position and assignment at the previous pay grade and salary. Employees receive pay increases and other benefits as if they had not taken leave.

c) Benefits already Earned are Retained: Benefits already earned are retained upon return to work.

d) Effect of Extended periods of Leave without Pay: Extended periods of Leave without Pay will affect length of service, longevity, and salary increases. Unpaid leave status may also impact other benefits. Employees should consult with HRD, Payroll, and [other related policies](#) for information regarding their specific circumstances.

e) Effect on Retirement: Extended periods of Leave without Pay affect creditable service for retirement purposes. HRD partners and the Payroll department can provide employees with specific information pertinent to their circumstances.

6. Communication about Leave and Return to Work:

a) Notice: Employees are asked to provide as much notice as possible before taking parental leave and to keep in touch with their department regarding their return to work plans.

b) Leave Extension: an employee should request any leave extension as soon as the need is known so that departments may plan for the absence.

c) Failure to Return to Work: Employees must return to work as agreed. **Failure to return to work as agreed may be considered a resignation.**

B. PREGNANT EMPLOYEES AND NURSING MOTHERS

1. Pregnancy: The Town complies with the [Pregnancy Discrimination Act](#), as well as all other state and federal laws regarding pregnancy, childbirth, or medical conditions relating to pregnancy and/or childbirth.

2. Pregnancy Disability: An employee who is absent due to pregnancy –related disability may be eligible for payments under the Town paid disability program or under the voluntary employee-paid disability program. An employee should check with their Human Resource Development Partner for more information.

PROCEDURES
CONT.

3. Nursing Mothers: The Town complies with [Section 7\(r\) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provisions](#) as well as all applicable local, state, and federal laws regarding the rights of nursing mothers. The Town provides paid breaks for all benefited full- and part- time nursing mothers to express breast milk.

FORMS/INSTRUCTIONS

[FORM 2-11 A Parental Leave Request](#)

PROCEDURES
APPROVED BY

Cliff Turner, Human Resources Development Director



ADDITIONAL
CONTACTS

Human Resource Development 919-968-2700 or HR@townofchapelhill.org
Ombuds office 919-265-0806 or Ombuds@townofchapelhill.org

DEFINITIONS

A. Dually Employed Couples: Couples where both members work for the Town of Chapel Hill and meet eligibility requirements under the provisions of this policy.

B. Eligible Parent: an eligible parent is defined as a natural parent, a spouse, a domestic partner, or a new adoptive parent. An individual that adopts a spouse or partner's child (ren) is not eligible for this benefit.

C. Pay Status: an employee is considered in pay status if they are paid for at least half of their base pay during a pay period.

D. Benefited full and part-time employee:

For the purpose of granting paid parental leave: a benefited employees who has been in pay status for the 12 months immediately prior to a request for paid parental leave.

For purposes of FMLA: a benefited employee who has worked for at least 1250 hours in the previous rolling 12 month period prior to the leave.

RESPONSIBILITIES

All Employees are expected to:

- a) Be familiar with and comply with the policy.
- b) Request time off according to the policy provisions and provide proper documentation
- c) Return to work as agreed upon after leave is completed
- d) Meet with HRD and Payroll before leave begins if possible

RESPONSIBILITIES
CONT.

All Supervisors/Managers and Department Heads are expected to:

- a) Comply with all policy provisions
- b) Maintain appropriate documentation in employee files
- c) Notify HRD and payroll when parental leave is requested
- d) Monitor leave time and assure that employees return to work as agreed

All Human Resource Development staff members are expected to:

- a) Provide policy and procedure guidance to all employees

FREQUENTLY
ASKED QUESTIONS

[Attached to this policy](#)

RELATED
INFORMATION

[Family and Medical Leave Act](#)
[PP 2-6 Sick Leave Policy](#)
[PP 2-13 Medical Leave Policy](#)
[PP 2-14 Leave of Absence Policy](#)
[PP 7-1 Longevity Pay Policy](#)

SCOPE

This policy applies to all full-time and part-time benefited employees.

POLICY
HISTORY

Developed July 1, 2017. Updated December 2017 to clarify how holidays are handled. This policy replaces and supersedes any previous Town policies, departmental polices, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI, Related Information. In the event of any disparity between this policy and the Town's Code of Ordinances and/or applicable local, state, or federal laws, the Town's Ordinance and/or applicable laws shall prevail.

Frequently Asked Questions about Paid Parental Leave

a) What is Paid Parental leave and why is the Town offering it?

The town will pay qualifying employees their full base pay for six weeks after the birth, adoption, or placement of a child. During this time, all the employees' town benefits remain intact and the leave is not deducted from an employee's other leave. The Town decided to provide this benefit to support a work life balance and family friendly workplace.

b) Who Qualifies for Paid Parental Leave?

Employees who are eligible for the Town's health insurance benefits AND who have been in continuous pay status for the 12 months immediately prior to the leave. Both men and women are eligible.

c) How is this paid leave different from FMLA?

FMLA is a federal law that protects a qualifying employee's job and benefits for up to 12 weeks for certain kinds of health events, including the birth or adoption of a child. Employees must have worked a minimum of 1250 hours in the prior 12 months to qualify for FMLA. You are not paid when you are out on FMLA unless you use your own accrued leave to cover it.

The Town's paid parental leave policy pays you to be off for 6 weeks for the birth or adoption of a child. You do not have to use your own leave to get paid. You do not have to work a certain number of hours to qualify; rather you must be in pay status for a certain amount of time. **This means that some Town employees will qualify for paid parental leave under the Town's policy that do not qualify for FMLA.** In this instance, the employee should work with Human Resource Development and their departments to determine how much leave they can take beyond the paid time the Town offers.

Employees who qualify for FMLA can use up to 12 weeks of job protected leave to care for their newborn or adopted child. The Town will pay for the first 6 weeks of that leave, and the employee can use their own leave for the rest of the time, or take unpaid leave.

d) What is "pay status?"

Pay status is when you are paid for at least half of your normal work schedule. You can be in pay status by working or by using any accrued leave. If you are on any kind of unpaid leave, it takes you out of pay status. You are in pay status when you are on workers compensation. You are not in pay status when receiving disability, unless you use some of your leave. Check with your HRD partner or with Payroll if have any questions about your pay status. 9

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e) How can I use paid parental leave?

You use it immediately following the qualifying event. In some cases, this would be the birth of your child; in other cases it might be the day you bring your new child home from the adoption or foster placement agency. You use it continuously. If both parents are employed by the Town, they each get 6 weeks of paid leave and must use it at the same time.

f) Why I can't I use it intermittently like I do FMLA for other health issues?

Paid parental leave is primarily offered to support the emotional needs of new parents and their children. Being at home for a continuous period of time provides this type of emotional support. Requiring that the leave be used continuously immediately after the birth or adoption of the child is consistent with the Town's FMLA policy for new parents. New parents use their FMLA continuously immediately after the birth or adoption of a child. We wanted to keep the practices as consistent as possible to avoid confusion.

An employee may request an exception to the policy and ask to delay the start of their parental leave. The request should include beginning and ending dates and should be made prior to the qualifying event as far in advance as practical. The leave must still be taken in one continuous period of leave and must be completed no later than 12 months following the qualifying event.

Although a delayed leave request will be given fair consideration, departmental needs will be considered in determining whether to grant a delayed leave request. The department's operational needs may require that the leave be taken according to the policy provisions.

g) I am getting married and will be adopting my spouse's children. Can I get paid parental leave?

No. The Town's policy uses the guidelines of FMLA to the extent possible. FMLA does not cover this situation and neither does paid parental leave.

h) Why is the Town offering paid parental leave, but not other types of paid medical leave?

The Town offers a generous amount of sick leave that covers most employees' medical needs. This leave can also be used to help care for qualifying family members. However, parental leave is given primarily to support the emotional needs of children and their parents. Children new to the family and their parents need time to bond with one another. More than 90% of Town employees in a recent Town survey said they support paid parental leave for Town employees, even if they themselves would not directly benefit from it. One Town employee stated: "Becoming a new parent is a big adjustment. Offering paid parental leave is a good way to support my co-workers." 10

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FORM 2-11 A

Parental Leave Request

Employee Information

Employee # _____ Name: _____

Department: _____

Dates Requested

From Date: _____ To Date: _____

Delayed Parental Leave

If requesting delayed Parental Leave, prior Department Head and HRD Director approval are required.

Delayed Dates Requested:

From Date: _____ To Date: _____

Employee Signature

I am requesting Parental Leave for the above date and am aware this leave will run concurrent with FMLA.

Employee Signature: _____ Date: _____

Department Approval

Approval Signature: _____ Date: _____

Human Resource Development Approval

Approval Signature: _____ Date: _____

