



**Administrative Regulations
Office of the Mayor**

Title: Paid Parental Leave

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I. Purpose

The purpose of the policy is to establish guidelines for the consistent administration of paid parental leave. The City of Richmond's policy on parental leave works in conjunction with Administrative Regulation 4.3 – Family Medical Leave Act policy.

II. Policy

The policy defines the circumstances in which paid parental leave shall be taken in conjunction with the Family Medical Leave Act (FMLA). The policy provides eligible employees with a period of paid time off for activities related to the care and well-being of their newborn or adopted child, foster care placement, or sick parent.

III. Eligibility

A. To be eligible for Paid Parental leave, City employees must meet the eligibility criteria for FMLA. They must:

1. Be employed by the City for at least twelve (12) months. The twelve (12) months need not be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement outlining the employer's intention to rehire the employee after the break in service.
2. Have worked a minimum of 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

For the purpose of determining whether an employee meets the 1,250 hour requirement, the legal standards established under the Fair Labor Standards Act (FLSA) shall apply. Therefore, all hours which the City permits the employee to work are counted toward the total hours worked. Vacation, sick, holiday, or any other form of leave hours (paid or unpaid) will not count towards the total hours worked (with the exception of Military leave).

3. Meet the FMLA criteria for the four (4) Paid Parental leave categories below.

IV. Types of Paid Parental Leave

A. Paid Maternity Leave for Birthing Mothers

1. All eligible full-time employees shall be granted eight (8) weeks (320 hours) of paid maternity leave within a 12-month period.
 - a. Firefighters who work one hundred twelve (112) hours bi-weekly shall be granted eight (8) weeks (448 hours) of paid maternity leave.



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2. All eligible part-time employees will receive eight (8) weeks paid maternity leave proportionate to the average number of hours worked per week during the past twelve (12) months. (*e.g. Employee A is full-time working forty (40) hours per week and is eligible for forty (40) paid hours each week for eight (8) weeks. Employee B is part-time working twenty (20) hours per week and is eligible for twenty (20) paid hours each week for eight (8) weeks.*)
3. Multiple births during one event do not impact the amount of paid maternity leave granted.
4. The use of paid maternity leave must be continuous and cannot be used intermittently.

B. Paid Parental Leave Stillbirth

1. In the unfortunate event of a stillborn birth, the birthing mother who had the stillbirth is eligible for four (4) weeks of Paid Parental Leave. Leave must be continuous. The non-birthing parent is ineligible to receive Paid Parental Leave when a child is stillborn. A stillbirth is defined as fetal death at or after 20 weeks of pregnancy.

Note: In the unfortunate event of a miscarriage, the employee would not be eligible for paid leave but is eligible for up to three consecutive days of Bereavement Leave and may request FMLA leave. A miscarriage is defined as the loss of a fetus before the 20th week of pregnancy.

C. Paid Bonding Leave

1. After the birth of a child(ren), the full-time, non-birthing parent will receive eight (8) weeks of paid bonding leave within a 12-month period for the purpose of bonding and care of a newborn(s).
2. All eligible part-time employees will receive eight (8) weeks paid bonding leave proportionate to the average number of hours worked per week during the past twelve (12) months (*Reference example in Paid Maternity Leave for Birthing Mothers*).
3. Multiple births during one event do not impact the amount of paid bonding leave granted.
4. The use of paid bonding leave may be taken continuously or intermittently.

D. Paid Adoption/Foster Care Placement Leave

1. After the adoption or placement of a child(ren), full-time parents will receive eight (8) weeks of paid parental adoption/foster care placement leave (for the purpose of bonding) within a 12-month period.
2. All eligible part-time employees will receive eight (8) weeks paid adoption/foster care placement leave proportionate to the average number of hours worked per week during the past twelve (12) months (*Reference example in Paid Maternity Leave for Birthing Mothers*).
3. The use of paid bonding leave may be taken continuously or intermittently.



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E. Care for Sick Parent

1. All eligible full-time employees will receive four (4) weeks of paid sick parent leave within a 12-month period to care for a sick parent with a serious health condition as defined in Administrative Regulation 4.3. - Family and Medical Leave Act.
2. All eligible part-time employees will receive four (4) weeks paid sick parent leave proportionate to the average number of hours worked per week during the past twelve (12) months. (*e.g. Employee A is full-time working forty (40) hours per week and is eligible for forty (40) paid hours each week for four (4) weeks. Employee B is part-time working twenty (20) hours per week and is eligible for twenty (20) paid hours each week for four (4) weeks.*)
3. Paid sick parent leave may be taken continuously or intermittently.

V. Use of Paid Parental Leave

- A. Paid parental leave will be based on the employee's base salary.
- B. Paid parental maternity, bonding, stillbirth, adoption/foster care placement and care for sick parent leave must be used in conjunction with the eligible employee's Family Medical Leave and will be applied towards the Family Medical Leave Act's eligible hours, prior to the other FMLA categories (FMLA sick, FMLA vacation, FMLA compensatory time, and FMLA LWOP). Paid maternity leave will run concurrently with FMLA and must be utilized within 12 weeks following the birth of a child and prior to the other FML categories (FMLA sick, FMLA vacation, FMLA compensatory time, and FMLA LWOP). Once the employee's paid parental leave has been exhausted, the employee is required to use any accrued paid leave (sick, vacation, or compensatory time) in conjunction with the Family Medical Leave Act. If the employee's sick, vacation and compensatory time accruals are exhausted, the remainder of the employee's FMLA will be unpaid (Administrative Regulation 4.3 - Family Medical Leave Act).

C. Limitations/Restrictions

1. Same Employer - Where two City employees eligible for paid parental leave under FMLA are married to each other, the two (2) together are eligible for:
 - a. A combined total of up to eight (8) workweeks of paid maternity, paid bonding or paid adoption leave/foster care placement; or
 - b. A combined total of up to four (4) workweeks of paid time to take care of sick parent.

When one spouse uses only a portion of the entitlement, the other spouse is entitled to the remainder of that entitlement.

2. **Paid Parental Leave will be based on the employee's FMLA eligibility balance. For example: If you are a full-time employee and only have a remaining FMLA balance of 3 weeks of FMLA for maternity, bonding, or adoption/foster care placement, you will only be eligible for 3 weeks of paid maternity, bonding, or adoption/foster care placement.**



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VI. Procedures

- A. The employee is required to submit the *FMLA Certification of Health Care Provider* form to the Department of Human Resources FMLA Coordinator in Central Human Resources. The employee must also submit the *Paid Parental Leave Request* form to his/her supervisor and the HR Liaison. (Note: For Police and Fire, the FMLA process differs slightly). The Paid Parental Leave Request form should be completed in its entirety by the employee to include start and end dates, if applicable, and the appropriate Paid Parental Leave category. (Intermittent Paid Parental Leave will often not have an end date as the leave is most often unanticipated.) The only leaves that must be *continuous* are FMLA Paid Parental Maternity Leave and FMLA Paid Stillbirth Leave. Bonding, adoption/foster care placement and care for sick parent may be taken intermittently.
- B. The HR Liaison will provide the *Paid Parental Leave Request* form to the Timekeeper to verify the FMLA leave balance. After the FMLA leave balance has been verified by the Timekeeper, the *Paid Parental Leave Request* form will be sent to the HR FMLA Coordinator.
- C. **Parental leave requests will not be reviewed/approved until a complete and sufficient FMLA Certification form has been submitted for approval.** If the DHR FMLA Coordinator approves the FMLA leave and request for Paid Parental Leave Request form, the employee is required to submit a Rapids Absence Management Request/Application for Leave form for approval through his/her supervisor, indicating the appropriate FMLA leave category (Paid Maternity, Paid Bonding, Paid Stillbirth, Paid Adoption, Paid Foster Care Placement, Paid Sick Parent). ***As with ALL FMLA leave, the agency's Timekeeper, in conjunction with the HR Liaison, or the employee's supervisor (if applicable), will track and monitor the employee's FMLA Paid Parental Leave.***
- D. The approved *Paid Parental Leave Request* form will be sent to the HR Liaison, the departmental Timekeeper, and the employee's supervisor by the DHR FMLA Coordinator so that the appropriate leave categories can be designated/tracked. This should be done within fifteen (15) calendar days.

VII. Definitions

In Loco Parentis – Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Intermittent Leave – Leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six (6) months, such as for chemotherapy.

Miscarriage -a loss of a fetus before the 20th week of pregnancy.

Parent – a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents “in law.” For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age



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18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Stillbirth - a fetal death at or after 20 weeks of pregnancy.

VIII. Regulation Update

The Department of Human Resources shall be responsible for modifications to this regulation.

RECOMMEND APPROVAL:

CHIEF ADMINISTRATIVE OFFICER

A handwritten signature in black ink, appearing to read "Selena Lyff", written over a horizontal line.

APPROVED:

MAYOR

A handwritten signature in black ink, appearing to read "J.M. Ag", written over a horizontal line.