

Rule 2-57

Paid Parental Leave

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§ 2-57-010 Purpose

The county provides paid parental leave to eligible employees following a qualifying event, specifically the birth (including post-pregnancy disability relating to childbirth), adoption, or foster care placement, or placement pursuant to legal guardianship of a child with an employee, to give parents time to bond with their new child, adjust to their new family situation, balance personal and professional obligations, and provide base salary continuation. This rule shall apply to eligible employees on approved continuous or intermittent leaves of absence for the birth (including post-pregnancy disability relating to childbirth), adoption, foster care placement, or placement pursuant to legal guardianship of a child in effect on or after the adoption of this rule.

§ 2-57-020 Definitions

- **Child/children:** For the purposes of paid parental leave, a minor or disabled child/children.
- **Event:** For the purposes of paid parental leave, the birth (including post-pregnancy disability relating to childbirth), adoption, foster care placement, or placement pursuant to legal guardianship of one or more children being born, adopted, or placed contemporaneously (i.e. at the same time).
- **Parent:** For purposes of paid parental leave, the county considers the following relationships to be parental:
 - A. Biological parents
 - B. Adoptive parents
 - C. Foster parents
 - D. Step parents

E. Legal guardian

F. A person standing in loco parentis

- **Spouse:** For the purposes of paid parental leave, a legally married person or domestic partner, whether by affidavit, county civil union or state civil union.

§ 2-57-030 Eligibility

Employees will be eligible for up to a maximum of two hundred forty (240) hours (six (6) weeks) of paid parental leave per event in accordance with the following provisions:

- A. The employee is regular, initial trial service/probationary, or limited duration; and
- B. The employee has been employed at the County for at least one hundred eighty (180) days immediately prior to the leave, and their leave is for one of the following reasons:
 1. Birth of a child/children; or
 2. Placement of a minor or disabled child/children (as defined under FMLA/OFLA) with the employee for adoption or foster care; or
 3. Medically certified post-pregnancy disability relating to childbirth, including still birth where the attending provider issues a medical certification;
 4. Placement of a child/children pursuant to a legal guardianship; or
 5. An employee who needs to care for a spouse / domestic partner who has a post-pregnancy disability relating to childbirth, if the leave is applied for and approved; and
- C. If both parents work for the County and meet eligibility requirements, each parent will be eligible for up to a maximum of two hundred forty (240) hours (six (6) weeks) of paid parental leave; and
- D. The birth, adoption, foster care placement, or placement pursuant to legal guardianship of multiple children that is part of the same event, does not increase the length of paid parental leave granted. The total amount of paid parental leave granted for multiple children that is part of the same event will be up to a maximum of two hundred forty (240) hours (six (6) weeks); and
- E. Multiple events (e.g. foster care placement, legal guardianship, and adoption) of the same child/children shall only qualify as one event.
- F. An employee may receive paid parental leave for up to two (2) events per calendar year. Unused paid parental leave in the first event cannot be carried over to a second event.

§ 2-57-040 Calculation of Leave

- A. Eligible employees working forty (40) hours per week will receive up to a maximum of two hundred forty (240) hours (six (6) weeks) of paid parental leave per event.
- B. Eligible employees working less than forty (40) hours per week will receive a prorated amount of leave per event, based on percentage of time worked. Employees' leave is calculated by multiplying the assigned or average number of hours in a workweek by six (6).

§ 2-57-050 Use of Accrued Leave

- A. Paid parental leave must be used within twelve (12) months following the birth, adoption or foster care placement of a child.
- B. If an employee qualifies for FMLA, OFLA and/or contractual leave for the birth (including post-pregnancy disability relating to childbirth), adoption, foster care placement, or placement pursuant to legal guardianship of a child/children, paid parental leave under this rule will run concurrently with said leave and must be used during the approved FMLA and/or OFLA parental leave.
- C. Employees may use paid parental leave before other accrued leave (e.g. sick leave, vacation, compensatory time, saved holidays, etc.).
- D. Paid parental leave must be used before an employee enters into an unpaid leave of absence.
- E. Paid parental leave must be used as described above in 2-57-050 (A) - (D) and cannot be cashed out.
- F. Parental leave will be paid at the employee's regular pay rate, but shall not include overtime.

§ 2-57-060 Notification to Employer

- A. An employee will provide no less than thirty (30) calendar days notice for the birth, adoption or foster care placement of a child under the provisions of this rule. If the birth, adoption or foster care placement is unforeseeable, the employee will contact the supervisor as soon as practicable.
- B. Employees needing to request paid parental leave shall follow the County's leave process which can be found on Multco Commons at:
<https://commons.multco.us/employee-benefits/protected-leave-absence-fmla-ofla>.

§ 2-57-070 Intermittent Leave Use and Reduced Schedule Paid Parental Leave

- A. Use of intermittent and/or reduced schedule paid parental leave is contingent upon the approval of the supervisor and the department HR unit.

- B. If the employee takes intermittent or reduced schedule paid parental leave, the actual number of hours of leave taken will be counted toward the total hours of leave allowed under this rule, FMLA, OFLA and/or the applicable collective bargaining agreement. Intermittent or reduced schedule paid parental leave may be taken in increments of one-quarter of an hour, and the employee must try to schedule the time to not unduly disrupt the county's operations.
- C. For FLSA exempt employees on intermittent or reduced-schedule paid parental leave, the less-than-full-day increments of leave will count towards the total hours of leave allowed under this rule.

§ 2-57-080 Reinstatement

- A. When an employee returns from county paid parental leave, the employee will be reinstated to their former position. If the employee cannot be reinstated to the former position because that position no longer exists, the employee will be reinstated to an available equivalent position in accordance with applicable laws, rules, and/or collective bargaining agreement. If no suitable position is available, the employee will be subject to the layoff provisions of these rules and/or any applicable collective bargaining agreement.
- B. If the employee fails to report to work within five (5) calendar days after the end of approved leave, the employee will be considered to have resigned unless the employee has requested and obtained a leave extension prior to the end of the approved leave.

§ 2-57-090 Confidentiality

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. Documents provided to the County regarding the leave will be maintained in the employee's medical file, which is kept separately from the employee's personnel file, in accordance with state and federal laws.

§ 2-57-100 Notification to Employee and Department Responsibilities

The County will process requests for paid parental leave using the same internal procedures that are established for employees to request and receive, if eligible, FMLA and/or OFLA leaves. Procedures will include:

- A. A process to ensure that supervisors promptly notify the Employee Benefits Office and their HR departments of requests for paid parental leave, and that such requests are immediately submitted to the Department HR Unit for processing; and
- B. A designation of the benefits under the Personnel Rules, FMLA, OFLA, and/or labor contract as applicable to the request for leave, and a statement that leave taken will count against the applicable leave entitlements; and

- C. Notification of the employee's leave balances, and the requirements for the employee to use paid parental leave and/or other accrued leave during the absence; and
- D. Notification that employer health care contributions will continue if the leave has been designated as paid parental leave, FMLA, and/or OFLA. In this case, the employee will be advised of the requirement to reimburse the county for health plan premiums if the employee fails to return from leave, provided that such reimbursement conforms with the provisions of FMLA; and
- E. An explanation of the employee's reinstatement rights in accordance with these rules.