



Wake County Paid Parental Leave

x	Countywide or	Department:	Division:
Supersedes:			Effective Date: TBD
Approving Authority:			
Originating Department(s): Human Resources			

I. **Purpose:** Wake County believes that strong families benefit both the local community and the workplace. For this reason, Wake County offers the option of **paid paternal leave** to **parents** for the birth, bonding and care of a **child**.

II. **Policy Statement:**

The purpose of paid parental leave is to allow up to six (6) weeks of paid leave for County employees for parental care of a newborn, a child placed for adoption, foster care, or guardianship within 12 months of the qualifying event. To qualify for paid parental leave, an **employee** must qualify for Family Medical Leave under the **Family Medical Leave Act (FMLA)**. The FMLA provides job protection in a paid or unpaid status, but does not address the lack of income experienced by many during periods of necessary leave. Therefore, the paid parental leave will be paid leave in addition to an employee's accrued annual and sick leave and will run concurrently with leave approved under the FMLA.

III. **Definitions:**

The following definitions should be referenced:

- **Paid parental leave:** The period of time in which a regular employee may receive up to six (6) weeks of paid leave for parental care of a newborn, a child placed for adoption, foster care, or guardianship within one year of the qualifying life event.
- **Child:** A biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is under age eighteen (18).
- **Parent:** Any of the following: (1) the biological parents of a child; (2) a person who has legal custody of a child; or (3) a person who assumes day-to-day responsibilities to care for or financially support a child regardless of whether he or she has been appointed legal guardian.
- **Employee:** An employee who has worked for the County for at least 12 months and qualifies for Family Medical Leave under the Family Medical Leave Act may request paid parental leave.
- **Family Medical Leave Act (FMLA):** The FMLA of 1993, as amended, allows eligible employees to take job-protected, unpaid leave for up to a total of 12 workweeks in any 12 months for FMLA qualifying reasons, which include the birth of a child, to care for the newborn child and for the placement of a child with the employee for adoption or

foster care; for the employee's own serious health condition; to care for the employee's spouse, child or parent who has a serious health condition, a qualifying exigency arising out of the employee's spouse, child or parent; or to care of the employee's spouse, child, parent, or next of kin (nearest blood relative) who has incurred an injury or illness in the line of duty while on active duty.

- **Supporting Documentation:** The documentation required to request and/or receive paid parental leave, as outlined in this policy.

IV. **Applicability:**

To be eligible for paid parental leave, the employee must be a regular, full time or part time that is eligible for benefits and who meets the requirements for Family Medical Leave under the County's FMLA policy.

Paid parental leave must be requested and used within twelve (12) months of the date of the qualifying event. Qualifying events include any one of the following:

- Birth of a child of the employee;
- The legal placement of a child with the employee for adoption, foster care or guardianship; or
- The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis).

An employee is eligible for paid parental leave only if the qualifying event occurs on or after the effective date of this policy.

V. **Procedure Responsibility and Management:**

The following procedures should be followed for the administration of paid parental leave.

A. Eligibility

A regular employee who has worked for Wake County for at least 12 months and qualifies for Family Medical Leave under the Family Medical Leave Act may request paid parental leave.

An employee who has not yet completed the probationary period or is not yet eligible for leave under the FMLA will not be eligible for paid parental leave. The employee may be approved for a leave of absence to use other paid leave and/or leave without pay for the qualifying event covered under the Family Medical Leave Act.

B. Amount of Paid Parental Leave

An employee may only receive paid parental leave for one qualifying event within a rolling twelve (12) month period. The amount of paid parental leave for any one person shall not exceed six (6) weeks in a rolling twelve (12) month period. In the case of medical complications or cesarean delivery, an employee may be approved for a total of eight (8) weeks in a rolling twelve (12) month period.

C. Dual Employment of Parents for Paid Parental Leave

If both parents are employed by the County and have one qualifying event, each parent is eligible for the six (6) weeks of paid parental leave.

D. Process to Request Paid Parental Leave

In order to request and/or receive paid parental leave, the employee must submit the request for FMLA leave, including the supporting documentation which includes, but is not limited to the documentation submitted under the Family Medical Leave Act or one of the following:

- Birth of child – A certificate of live birth or similar government issued document, listing the requesting employee as a legal parent;
- Legal placement of a child – A certified copy of a court order granting legal custody of the child to the requesting employee;
- In Loco Parentis – A notarized statement from the employee asserting that he or she is assuming and discharging the obligations of a parent to a child. The statement must include the age of the child, the degree to which the child is dependent on the employee, the amount of support, if any provided by the employee and the extent to which the employee exercises duties commonly associated with parenthood;
- Non-legal placement of a child – Two (2) official records establishing the employee as a named caregiver to the child (e.g. school enrollment, insurance records, or medical records); and documentation establishing the date when the placement occurred (e.g. insurance records and certificates of death)

The request for paid parental leave and the supporting documentation should be provided at least 30 days prior to the birth, adoption or placement if foreseeable or as soon as practicable.

E. Approval of Paid Parental Leave

Once the request for paid parental leave is received, the employee will be notified within five (5) business days if the paid parental leave is approved. In addition, the employee's supervisor and/or department director shall be notified. In the event that an employee is not eligible for paid parental leave, he or she may be eligible to use other paid time off, provided that the conditions of those leave benefits are satisfied.

F. Coding Time during Paid Parental Leave

The employee or employee's supervisor must code approved paid parental leave in the County's timekeeping system for all time off during the paid parental leave period.

G. Use of Paid Parental Leave

Paid parental leave can run consecutively or intermittently. For example, if an employee uses only four (4) workweeks of the six (6) weeks provided for one (1) qualifying event, he or she would be eligible to use the remaining two (2) workweeks for the same qualifying event within the twelve (12) months following the event.

For employees who have elected the short term disability benefit, the employee may choose to use the short term disability first before receiving paid parental leave. The amount of hours used of short term disability benefit and paid parental leave cannot exceed the maximum hours provided by FMLA; both benefits run concurrent to FMLA. If an employee does not use short term disability prior to paid parental leave, the employee may receive a reduced benefit from the short term disability payments.

H. Concurrent to Family Medical Leave Act

Paid parental leave shall run concurrently with FMLA leave.

I. Benefits during Paid Parental Leave

The following outlines employee benefits while on paid parental leave:

- *Health Insurance*: The County will continue to make contributions on behalf of the employee previously enrolled in a health plan with the County. The employee and his/her dependents will continue to be covered as long as the employee pays for any required contributions. During paid parental leave, all contributions will continue to be deducted from the employee's paycheck. If on leave without pay, the employee must make arrangements to pay any employee contributions to ensure continued coverage.
- *Retirement Benefits*: Retirement contributions and retirement service credit will continue to accrue during the paid parental leave period.
- *Accrual of Leave*: Annual leave and sick leave will continue to accrue during the period of paid parental leave.

J. Return from Paid Parental Leave

An employee must return from paid parental leave, after the duration of any approved Family Medical Leave for this particular qualifying event.

An employee who fails to return from paid parental leave will repay the County for any paid parental leave received. The value of the paid parental leave received will be deducted from the employee's final paycheck, including any annual leave to be paid out, in compliance with the Fair Labor Standards Act. Only in rare instances, may the Department Director in conjunction with the Human Resources Director waive this repayment requirement.

K. Exhaustion of Paid Parental Leave

After paid parental leave has been exhausted, employees will be required to use accrued paid leave, in accordance with the Wake County leave policy, before requesting leave without pay to continue care for a newborn child, a child placed for adoption, guardianship or foster care.

VI. Related Policies, Procedures and Publications:

- Human Resources Policy Manual

VII. Appendices: None

VIII. History:

Effective Date	Version	Section(s) Revised	Author
8/16/1993	1.0	Most revised version (Section 505)	N/A
01/01/2017	1.0	New Version	Ashley Lategan