

Paid Parental Leave Frequently Asked Questions

- 1. If an employee is eligible for FMLA Leave as a temporary, time-limited, or temporary grant employee are they eligible for Paid Parental Leave (PPL)?**

No. Only employees in FTE positions are eligible for PPL. The limitation of PPL is established in state law. CCU does not have authority to extend PPL to any other position status.

- 2. If an employee is working at a State Agency in a temporary, temporary grant, time-limited, or other non-FTE position and gives birth, adopts a child, or becomes a foster parent and then later is hired into an FTE position, is the employee eligible for PPL?**

No. To be eligible for PPL, the employee must meet all eligibility requirements at the time of the qualifying event (birth, adoption, or foster care placement).

- 3. If an employee is in an FTE position and is taking PPL leave and then moves to a non-FTE position prior to exhausting their two or six weeks of PPL, is the employee able to take the remaining PPL while occupying a non-FTE position?**

No. The employee's PPL would end when they move to the non-FTE position even if they have not exhausted their two or six weeks of leave.

- 4. If an employee is hired into an FTE position and gave birth, adopted a child, or becomes a foster parent prior to their hire date are they eligible for PPL?**

No. To be eligible for PPL, the employee must meet all eligibility requirements at the time of the qualifying event (birth, adoption, or foster care placement).

- 5. Does an employee have to work for a period of time before being eligible to take PPL?**

No. There is no service requirement to take PPL.

- 6. If an employee leaves state government while using PPL, but prior to exhausting the PPL available, and then returns to an FTE position without experiencing a break in service, can they use the balance of PPL available?**

Yes. So long as the employee does not experience a break in service, they may continue PPL, but the period of PPL must be taken consecutively. Therefore, the employee will have to take PPL immediately upon return to an FTE position. If the employee does experience a break in service they forfeit any PPL remaining upon the time of the separation.

State HR regulation defines a break in service as: an interruption of continuous State service. An employee experiences a break in State service when the employee either (1) separates from State service; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than 12 months; (4) separates

from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective date of the separation; (5) involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts; or (6) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.

7. Is an adoptive or foster parent able to use PPL before the initial legal placement for adoption or foster care placement for reasons related to the adoption or foster placement such as traveling to a foreign country to meet the child before the actual adoption?

No. PPL is not available until the qualifying event occurs. The employee may, however, be eligible for FMLA leave.

8. Is PPL available for surrogacy?

While not specifically included in the Paid Parental Leave Bill, through its authority to promulgate guidance, DSHR has determined the birth of a child through surrogacy to an eligible state employee will be considered a qualifying event.

9. Is PPL available for the birth of a non-biological child conceived through in vitro fertilization?

While not specifically included in the Paid Parental Leave Bill, through its authority to promulgate guidance, DSHR has determined the birth of a non-biological child conceived through in vitro fertilization to an eligible state employee will be considered a qualifying event.

10. Does PPL have to be taken immediately following the birth, adoption, or foster care placement?

No. PPL may be taken at any point in the twelve months following the qualifying event. However, if the employee is taking FMLA leave they would have to use PPL prior to taking leave without pay (LWOP) for the time on FMLA leave.

11. If an employee has sick leave and annual leave and is eligible for FMLA in what order should leave be taken?

Sick leave and PPL run concurrently with FMLA leave but the employee may decide which leave to use first. However, the employee may only use sick leave for the period they are medically unable to work or for family sick leave (up to ten working days) if the leave qualifies. Also, once the PPL begins, the employee must continue with PPL until this leave is exhausted.

If the employee exhausts sick leave and PPL and has remaining FMLA leave available, they may use annual leave, other available leave, or take leave without pay.

12. If an employee is on paid military leave and gives birth, adopts, or fosters a child are they eligible for PPL?

If the employee is on paid Short-Term Military Training Leave, they are eligible. However, if the employee is on a Long-Term Military Leave of Absence, the employee would not be eligible for PPL.

13. If an employee is on Leave Without Pay and experiences a qualifying event, are they eligible for PPL?

Yes, as long as the employee would otherwise be eligible to use other paid leave types if available (sick leave, annual leave, etc.). However, if an employee is suspended pending an investigation or for

disciplinary reasons, they would not be able to substitute any type of paid leave, including PPL, for the time they are suspended.

14. If leave for the birth of a biological newborn child and adoption must be taken consecutively, does that mean the employee must take full days consecutively? Or can the employee take a few hours over consecutive days until they use up their allotment?

The employee must take all time consecutively. The employee could take a partial day at the start of the leave period but after that, they would have to take full days until their leave is exhausted. Depending on the shift worked by the employee, the PPL may be exhausted in the middle of a workday resulting in a partial day of PPL. Employees may use a different type of leave (sick, annual, leave without pay) or may work for the partial workday following the exhaustion of the PPL.

15. Can an employee receive PPL while also working for the State if they are primarily responsible for furnishing the care and nurture of their child when not at work?

No. Employees may not use PPL while also working in an FTE position.

16. If an employee gives birth, adopts a child, or has a foster child placed before October 1, 2022, is the employee eligible for PPL within twelve months of October 1, 2022?

No. PPL is only available if the qualifying event occurs on or after October 1, 2022.

17. If the mother is admitted to the hospital on one day but the birth does not occur until the following day, can PPL be used by either parent for the day prior to the birth?

No. PPL can only be used on or after the date the qualifying event occurs. The parents may, however, be permitted to use other types of leave.

18. If the employee begins parental leave but leaves state employment before their leave is exhausted and then becomes reemployed with state government within 12 months of the qualifying event, can they take the remaining PPL beginning the date they return to employment?

No. PPL must be taken consecutively and is forfeited at separation of employment.

19. If both parents work for state government, are both eligible for PPL?

Yes. PPL for both employees may be taken concurrently, consecutively, or at a different time, subject to all other requirements. However, the number of weeks available to each employee may be different.

20. Can an employer deny an employee's request to take PPL at a certain time?

In general, the same considerations applied to requests for FMLA time off for bonding should be applied to requests for PPL. Therefore, requests for periods of leave should, generally, be granted for the time requested by the employee so long as the requested time is within twelve months of the qualifying event.

21. Are employees required to use PPL for University designated holidays which occur during their period of leave?

No. University designated holidays are not counted against PPL.

22. If an employee works an alternate work schedule how is PPL calculated?

PPL is calculated based on the employee's average workday as defined in State Human Resources Regulations.

Workday (Average): the number of hours upon which leave, and holidays are based. To determine the number of hours in an average workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reports to work).

Therefore, an employee who works an alternate work schedule will be eligible for the number of hours equal to the average workday multiplied by five days multiplied by two or six weeks, regardless of the employee's actual work schedule. For example, an employee whose average workday is eight hours but works an alternate work schedule of 10 hours for four days and is off one day a week will be eligible to use 80 hours (two weeks) or 240 hours (six weeks) of PPL.

The employee would enter 10 hours of PPL for four days and no leave for the fifth day each week.

23. If an employee receives payment from a source other than the state institution would the payment for their leave include this compensation? What about any dual employment, bonuses or other pay types?

During the period of PPL, the employee is paid their base pay which is defined as the rate of pay approved for an employee in their position exclusive of any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay. Internal dual employment work cannot be performed while the employee is on PPL.

Dual employment and bonuses may only be paid during the PPL period if the compensation is associated with work that was performed before the PPL begins.

24. If an employee on a base period of less than 12 months experiences a qualifying event during the period that falls outside of their base, are they eligible for PPL?

Yes, so long as the employee remains in an FTE position. They may not begin PPL, however until they are scheduled to work. They may not use PPL for time they would not otherwise be working.

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