

	POLICY NUMBER HR 5.16	PAGE 1 of 3	DATE ISSUED August 26, 2015
	RESPONSIBLE DEPARTMENT Human Resources		SUPERCEDES ISSUE DATED NEW
	SUBJECT Parental Leave and Benefits		

1.0 PURPOSE

This policy provides that leave be granted to employees upon the birth or adoption of a child. Policy 5.16 Parental Leave and Benefits and Policy 5.14 Family Leave Medical Act shall run concurrently.

2.0 FORMS

Employee Leave Request (S-72)
Sick Leave Request (S-71)

3.0 ELIGIBILITY

To be eligible for leave under this policy, all provisions under 3.1, 3.2, 3.3 and 3.4 must be met:

- 3.1 Must be a full-time and/or a permanent part-time employee who works thirty-five or more hours per week.
- 3.2 The employee must be the biological parent of a newly born child; or is the legal guardian of the child and resides in the same household as the newly adopted child.
- 3.3 Each permanent full-time and/or permanent part-time employee must serve a fourteen (14) calendar day unpaid waiting period. Paid leave shall begin on the fifteenth (15) calendar day after the birth of a child or on the fifteenth (15) calendar day after which custody of a child is taken for adoption placement by the prospective parents, and may continue for an additional twenty-eight (28) calendar days beyond the end of the unpaid waiting period. Employees may choose to work during the waiting period if applicable. Paid leave may be substituted for unpaid leave available under existing City of Dayton leave policies. (See section 4.3.4) At no point will an employee receive Parental Leave and Benefits more than forty-two (42) calendar days beyond the exact date of the employee's newly born child and/or newly adopted child.
- 3.4 The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three (3) month period immediately preceding the day the parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three (3) month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

4.0 POLICY

- 4.1 Pursuant to the provisions of this policy, employees are eligible for up to a maximum of six (6) continuous calendar weeks of leave for one or more of the following reasons:
 - 4.1.1 Because of the birth of a son or daughter of the employee.
 - 4.1.2 Because of the placement of a son or daughter with the employee for adoption. The employee must be the legal guardian of the adopted child, and the adopted child must reside in the same household with the employee.

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- 4.2** Parental leave and benefits granted under this section shall not exceed six (6) continuous weeks which shall include:
- 4.2.1** A waiting period of fourteen (14) unpaid calendar days that begins on the day parental leave begins. Employees may choose to work during the waiting period or substitute paid leave for this fourteen (14) calendar day period.
 - 4.2.2** Four (4) calendar weeks of partially paid leave beginning after the end of the unpaid waiting period. During this (4) calendar week leave period, employees shall receive paid leave equal to seventy (70%) percent of their regular rate of pay. Paid leave may be substituted for up to the remaining thirty (30%) percent of an employee's regular rate of pay, as allowed by existing City of Dayton leave policies.
- 4.3** All of the following apply to employees granted parental leave and benefits:
- 4.3.1** Employees will remain eligible to receive all employer-paid and provided benefits and continue to accrue all other forms of paid leave as if they were in active status.
 - 4.3.2** Employees are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating overtime pay.
 - 4.3.3** Employees are ineligible to receive holiday pay while receiving unpaid or partial paid parental leave, unless they elect to substitute paid leave to receive their full pay.
 - 4.3.4** Employees receiving parental leave may utilize available sick leave (sick leave used solely for Parental Leave will not require a medical certification form), personal leave, vacation leave, or compensatory time balance in order to be paid during the fourteen (14) calendar day waiting period and to supplement the seventy (70%) percent of their regular rate of pay received during the remaining part of the parental leave period, in an amount sufficient to give them up to one hundred (100%) percent of their pay on parental leave.

5.0 EMPLOYEE'S RESPONSIBILITIES

- 5.1** Any time an employee requests parental leave (with or without pay); a parental leave request form (S-71 or S-72) must be completed as soon as practicable, submitted to your department director who will then process the form and submit it to HR for final approval. In addition, where the need for leave is foreseeable, employees are required to give verbal notice to their supervisor at least thirty (30) days before the leave is to begin. If thirty (30) days' notice is not possible, employees must provide as much notice as practicable.
- 5.2** When substituting paid leave for unpaid parental leave and/or when using paid leave to supplement partial paid parental leave, all City leave policies remain applicable to the paid leave request.
- 5.3** The City may also ask for proof of the birth and/or adoption of the child.

APPROVED BY

The original signed policy document is on file in the Department of Human Resources.

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6.0 MANAGEMENT'S RESPONSIBILITIES

- 6.1** A Department Director receives the parental leave request form from the employee (S-71 or S-72), and will sign the form indicating whether the department approves or disapproves the leave and indicates whether or not Parental Leave and Benefits is recommended. This form is then submitted to HR for final approval, processing and entry of the paid or unpaid leave. The Parental Leave and Benefits are not approved or granted until the paperwork is completely processed, and the City's HR department approves the leave request. These decisions are documented on the parental leave request form and a copy is given to the employee in a timely manner.
- 6.2** Leave designated as Parental Leave and Benefits will not be considered a separate absence under Human Resources Policy 5.01, Section VII (A) (2) (b).

7.0 BENEFITS AND SENIORITY

- 7.1** The taking of leave designated under Parental leave and Benefits shall not result in the loss of any employment benefit provided by the City prior to the date on which the leave commenced. The accrual of benefits and seniority during an employee's absence shall be dependent on the type of leave taken and the benefit and seniority policies that apply to that type of leave. The use of Parental Leave and Benefits may adversely affect pension calculations. Please contact your respective pension agency for additional information.
- 7.2** The City will maintain any pre-existing health insurance coverage during the leave period. Employees will continue to be responsible for their portion of health insurance premium payments, if any.

8.0 CALCULATION OF LEAVE

- 8.1** The six (6) continuous calendar weeks of leave includes both paid and unpaid leave used over the course of a rolling twelve (12) month period for the reasons specified in HR 5.16 Sections 4.1.1 and 4.1.2.
- 8.2** This policy does not supersede other policies which might provide for more than six (6) continuous weeks of leave to employees under specific circumstances.

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