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Effective Date:

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CITY OF HALLANDALE BEACH ADMINISTRATIVE POLICY

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Policy-Version Number

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APPROVED

Dr. Jeremy Earle, City Manager

PAID PARENTAL LEAVE POLICY

Policy Owner: Human Resources Dept.

Responsible Department-Position/Role: Human Resources Dept.

Policies Cross Referenced: Family and Medical Leave Policy 1004.005/R3

POLICY PURPOSE/INTENT

It is the intent of the City of Hallandale Beach to create and maintain a work culture that supports employees in their effort to balance their work responsibilities with the demands of personal and family life. This is a valuable benefit to our employees, as well as their families. The Paid Parental Leave Policy supports these goals and values by allowing parents additional flexibility and paid time to bond with their new child, adjust to their new family situation, and balance their professional obligations.

The City of Hallandale Beach will provide up to twelve (12) weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care.

The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable substituting unpaid FMLA and is available during the 12-month period following the birth or placement. This policy will be in effect for births, adoptions, or placements of foster children occurring on or after the effective date of this policy.

ROLES & RESPONSIBILITIES

This policy will be updated by the Human Resources Department.

Designation Notice:

Once it has been determined that paid parental leave will be granted, the Human Resources Department will notify the employee in writing within seven (7) business days absent extenuating circumstance, as to whether

or not the leave will be designated as paid parental leave, and provide the employee with a copy of their signed Agreement to Complete 12-Week Work Obligation notice detailing the specific expectations of the employer, which explain any consequences of a failure to meet these obligations.

Relation to other leave:

An employee may take unpaid FMLA leave under City Policy 1004.005/R3 or before the birth or placement to cover certain activities related to the birth or placement but cannot substitute paid parental leave for those pre-birth/placement FMLA unpaid leave periods. If an employee invokes FMLA to receive unpaid leave prior to the birth or placement of a child, **this time also will count towards the 12 weeks allowable per 12-month period** of paid parental leave.

Example: An employee uses 2 weeks of FMLA unpaid leave prior to the birth or placement of a child, they will then have a balance of 10 weeks of FMLA unpaid leave, or 10 weeks of paid parental leave, available for the 12-month period beginning at the invocation of the leave.

PROCEDURES

Paid Parental Leave:

“Paid Parental Leave” is any leave taken by an eligible employee under this provision for the birth and care of the newborn child of an employee or placement of a child for adoption or foster care with an employee within twelve (12) months following the birth or placement.

Available Paid Leave:

Whenever an eligible employee takes paid parental leave, she/he is eligible to receive her/his regular base rate of pay for up to twelve (12) weeks. Paid leave under this section must be taken and if applicable used concurrently with FMLA not intermittently.

This leave shall occur concurrently with, count against, and not be added to periods of unpaid or job protected leave for which the employee may also be eligible, including Family and Medical Leave Act ("FMLA"), and/or any other unpaid leave offered by the City due to childbirth, adoption, or foster care placement.

The number of Paid Parental Leave periods an employee may take is unlimited over the duration of his or her employment with the City, but employees are only eligible for one twelve (12) weeks paid leave regardless of the number of children per birth, adoption, or foster care placement. Under no circumstances, shall an employee receive more than twelve (12) weeks of paid parental leave in a rolling 12-month period.

If both parents are City employees, each employee is entitled up to twelve (12) weeks leave period, and they may take their leave period concurrently, subsequently, or in any other combination but not to be taken intermittently.

Paid parental leave must be taken within the twelve (12) months period immediately following the birth, adoption, or foster placement. Any unused paid parental leave shall be forfeited at the end of the twelve (12) months period.

Paid parental leave may not be taken intermittently and shall therefore be taken in one continuous period of leave (exception may be granted at the discretion of the City Manager).

Employees who separate from the City are not eligible for payment for any unused paid parental leave at the time of separation.

The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave of absence. The employee will be responsible for his/her individual contributions in order to maintain their benefits.

Employees on approved paid parental leave shall be eligible for holiday pay when the holiday occurs during the paid parental leave. The holiday pay shall not extend the total paid parental leave entitlement.

An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA qualifying leave.

The City has the exclusive rights to interpret this policy.

Employees Responsibilities

Employees must provide at least thirty (30) days advance notice of the intent to take paid parental leave when the need is foreseeable. When thirty (30) days' notice is not foreseeable, the employee must provide notice as soon as practicable.

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- A. An employee who wishes to invoke entitlement to paid parental leave by invoking FMLA (and therefore using paid parental leave instead of unpaid leave under FMLA), must:
- 1) complete a Paid Parental Leave Request Form;
 - 2) sign the Agreement to Complete 12-Week Work Obligation;
 - 3) include any appropriate supporting documentation for the use of paid parental leave; and
 - 4) provide the documents to the HR department or HR's designee.
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- B. Employees seeking paid parental leave shall complete the "Request for Paid Parental Leave" form and submit it to the Human Resources Director, stating the reason for the request, and the anticipated beginning and ending dates of the requested leave. The City will make a determination of the employee's eligibility and qualification and approve or deny the request for paid parental leave.
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- C. When medical emergencies are involved, notice may be given in person or by telephone, and may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition. Written notice cannot be required in the case of a medical emergency. The "Request for Paid Parental Leave" form must be completed as soon as practicable.
- D. When requesting paid parental leave, employees may be required to furnish to the employer documentation sufficient to verify the basis of the leave covered event. This may include a birth certificate, a court order finalizing adoption or placement of a foster child, and/or FMLA paperwork. In all cases, an employee is required to submit FMLA paperwork to the Human Resources Department. In the event this documentation is not provided within six (6) weeks of when it becomes available to the employee, the employee must reimburse the City for all paid parental leave compensation that he/she has received from the City pursuant to this Policy.
- E. Employees on paid parental leave are to comply with the City's employee leave policies, are precluded from outside employment while on the leave and may, if necessary, be required to submit additional documentation to further substantiate the leave.

DEFINITIONS

Eligible Employees:

In order to be eligible for paid parental leave- a City employee must be eligible for FMLA leave and must meet FMLA eligibility requirements, including:

- ✓ Complete at least 12 months of service;
 - ✓ Have a part-time or full-time work schedule (i.e., individuals on a temporary/seasonal, relief or intermittent basis are ineligible).
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Family and Medical Leave Act or FMLA:

The Family and Medical Leave Act of 1993 (FMLA) is a labor law that entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons.

Parent:

An eligible City of Hallandale Beach employee who is a legal parent of a newborn, newly adopted child, or a newly placed foster child. A legal parent is one whose name appears on the child's birth certificate, a legal document establishing maternity or paternity, or a legal document establishing foster placement or adoption.

Paid Parental Leave:

Twelve (12) weeks of leave for the purpose of caring for the newborn, newly adopted, or newly placed foster child/children. This leave shall apply equally to parents regardless of gender, as well as same-sex couples, in the event of a natural birth by any method, adoption, surrogacy, stillbirths, or foster care placement in the Eligible Employee's home.

Primary Caregiver:

A Primary Caregiver is defined as someone who has primary responsibility for the care of a child through birth, adoption, or foster-care placement.

Leave Usage:

Paid parental leave may only be used no later than the end of the 12-month period beginning on the date of the birth or placement. At the end of the 12-month period, any unused balance of paid parental leave granted in connection with the given birth or placement expires and is not available for future use (i.e. there are no carryover provisions for unused paid parental leave). No payment may be made for unused paid parental leave or paid parental leave that has expired.

Conversion of Weeks to Hours:

For employees who use leave on an hourly basis (including fractions of an hour), the 12-week paid parental leave entitlement will be converted to hours proportionately based on the employee's scheduled hours of duty. For a regular full-time employee, 80 hours per pay period, the entitlement will be 480 hours (12 weeks x 40 hours), and for a part-time employee working 40 hours per pay period, the entitlement will be 240 hours (12 weeks x 20 hours), etc.

Work Obligation:

Under paid parental leave, an employee may not use any paid parental leave unless the employee agrees in writing, before commencement of the leave, to subsequently work for the City for at least 12 weeks. This

12-week work obligation begins on the employee's first scheduled workday after such paid parental leave concludes.

Therefore, prior to using paid parental leave, an employee is required to enter into a written service agreement to work for the City of Hallandale Beach for 12 weeks after the day on which paid parental leave concludes, specifically:

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- The workday on which an employee finishes using the 12 workweeks of paid parental leave; or
 - If the employee uses less than 12 workweeks of paid parental leave during the 12-month period following the birth or placement, the last workday on which the employee used paid parental leave in connection with the given child.

The work obligation is statutorily fixed at 12 weeks, regardless of the amount of leave used by an employee.

Example: An employee might use only 6 weeks of paid parental leave during the 12-month period following birth or placement but would still be required to complete a 12-week work obligation.

Waiver of Work Obligation:

The work obligation may be waived based on a serious health condition of the employee, or the newly born/placed child, but, in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement. It may also be waived for circumstance beyond the employee's control. The City Manager may waive the work obligation if an employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the newly born/placed child, but only if the condition is related to the applicable birth or placement. In order to waive the work obligation, the employee must provide supporting documentation.

Reimbursement of Agency Costs for Health Insurance:

The service agreement will note the possible need to provide reimbursement to the City of Hallandale Beach if an employee fails to meet the required work obligation; however, that reimbursement requirement cannot be applied in certain circumstances, and the City may choose to not apply it in other circumstances.

The reimbursement is equal to the total amount of any Employer contribution the City paid to maintain the employee's health insurance coverage under the City's Employees Health Benefits Program during the period that paid parental leave was used. If the City determines that reimbursement must be made, it must seek collection of the full amount. There is no authority for a partial waiver of the amount owed.

The City may not require the reimbursement (i.e. may issue a mandatory waiver of the reimbursement) if the City determines that the employee is unable to return to work for the required 12 weeks because of:

- The continuation, recurrence, or onset of a serious health condition (including mental health) of the employee or the child whose birth or placement was the basis for the paid parental leave, but, in the case of the employee's serious health condition, only if the condition is related to the applicable birth or placement; or
- Any other circumstance beyond the employee's control.

Before the City can make a determination on whether to impose (or to waive) the reimbursement, the employee must submit supporting certification by a healthcare provider if the employee claims that (1) a serious health condition (of the employee or the child whose birth or placement entitled the employee to paid

parental leave) makes her or him unable to fulfill the necessary work requirement; or (2) another individual's health condition prevents the employee's fulfillment of the work requirement.

ADDITIONAL INFORMATION, REQUIREMENTS & RESPONSIBILITIES

This policy is subject to change at the discretion of the Human Resources Director and the City Manager.

FORMS

- (1) Paid Parental Leave Request Form
 - (2) Agreement to Complete 12-Week Work Obligation
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ATTACHMENTS

"There are no attachments associated with this policy."

FREQUENTLY ASKED QUESTIONS

"There is no FAQ associated with this policy."

HISTORY

Revision:

Text

Effective:

Text

New Policy:

Text



Paid Parental Leave (PPL) Request Form

Employee Name

Job Title

Phone numbers (personal and work)

Email addresses (personal and work)

Department/Division

Plans for Substituting Paid Parental Leave (PPL) for FMLA Leave

Reason FMLA leave is being requested:

Birth of a child
 Placement for adoption
 Foster care placement

	Anticipated	Actual
Date of birth or placement		
Date use of PPL begins		
Date use of PPL concludes		
Date of planned return to duty		

Total weeks of PPL requested:
 Continuous use
 Partial use*

*Reason(s) partial leave is being requested:

Employee Certifications (initial each box)

I attest that PPL is being taken because of the birth of my child or because of placement of a child with me for adoption or foster care and that the PPL will be used in connection with my fulfillment of my parental role to care for and bond with the child.

I will provide documentation to support this request, as directed by the City within 6 weeks.

I acknowledge and understand the consequences of providing a false certification (e.g., the possibility the City could pursue appropriate disciplinary action, up to termination).

If I provided an anticipated date of birth or placement, I will notify my agency as soon as practicable of the actual date.

I attest that I am entering into the required work obligation agreement.

I hereby certify that all statements made in this application are true and correct to the best of my knowledge and belief.

Employee's signature

Date



Paid Parental Leave: Agreement to Complete 12-Week Work Obligation

I, [_____], understand that the usage of paid parental leave requires that I complete a 12-week work obligation at the City of Hallandale Beach at the time I conclude using paid parental leave granted in connection with the birth or placement (for adoption or foster care) of my child.

I agree to return to work and complete the required 12 weeks of work. I understand that 12 weeks of work will be converted to hours of work based on my work schedule.

I understand that the required 12-week work obligation is fixed and not proportionally reduced if I use less than 12 weeks of paid parental leave. I understand that only actual work periods when I am on duty (during my scheduled work hours) will count toward the 12-week work obligation. I understand that periods (paid or unpaid) of leave and time off (including holiday time off) do not count towards the completion of the 12-week work obligation.

I understand that only work performed after use of paid parental leave concludes counts toward the 12-week work obligation. I understand that any period(s) of work during intermittent usage of paid parental leave (i.e., work performed prior to the conclusion of the use of paid parental leave) does not count toward the 12-week work obligation.

I understand that, if I fail to return to work and fully complete the required 12-week work obligation, the City of Hallandale Beach may require a reimbursement equal in amount to the total amount of any Employer contributions paid by the City on my behalf to maintain my health insurance coverage under the Employee's Health Benefits Program during that period of time, unless I meet statutory conditions that bar application of such a reimbursement requirement. If I do not meet those conditions and if the City determines that reimbursement must be made, I understand that it must seek collection of the full amount and that there is no authority for a partial waiver of the amount owed.

I understand that, if I separate from the City of Hallandale Beach to which the 12-week work obligation is owed before completing that obligation, such separation is considered to be a failure to meet that obligation. I understand that, in that circumstance, I will not be allowed to complete the work obligation at a later time. (Note: An intra-department reassignment without a break in service will not be considered a separation.)

If the City of Hallandale Beach determines that the reimbursement requirement applies, I agree to make the required reimbursement to the City and to permit offset of payroll payments to recover the amount owed. However, I reserve the right to challenge the agency decision through any applicable administrative or judicial process and to seek return of any amounts erroneously collected from me.

Employee's Signature _____ Date: _____

Note: Employee's paid parental leave request must be attached to this work obligation agreement.