



## PERSONNEL POLICY

### SUBJECT: PAID PARENTAL LEAVE

DATE: January 1, 2017

Number: 205-16

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#### **I. Statement of the Policy**

Fulton County is committed to fostering a family-friendly work environment for its employees. Fulton County shall provide paid parental leave to eligible employees following the birth, adoption or foster care placement of a child with an employee to give parents time to bond with their new child, adjust to their new family situation and balance personal and professional obligations. In providing paid time off for activities related to the care and well-being of a child born to or placed for adoption or foster care with an employee, Fulton County reaffirms its commitment to promoting family well-being and improving family economic security.

#### **II. Background and Eligibility**

Permanent employees who have been employed by Fulton County for at least 180 consecutive calendar days are eligible for paid parental leave. If employees are uncertain about their eligibility, they should contact the Personnel Director or his/her designee.

#### **III. Reasons for Which Paid Parental Leave May be Granted**

- The birth of a child/children;
- The placement of a child/children with the employee for adoption or foster care;
- An employee's inability to work because of a post-pregnancy disability or incapacity related to childbirth; or
- To care for a spouse/domestic partner who experiences a post-pregnancy disability or period of incapacity related childbirth.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

#### **IV. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Personnel Director and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

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## PERSONNEL PROCEDURE

### SUBJECT: PAID PARENTAL LEAVE

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#### I. Reasons for Which Paid Parental Leave May be Granted

##### A. Qualifying Reasons for Paid Parental Leave:

- The birth of a child/children;
- The placement of a child/children with the employee for adoption or foster care;
- An employee's inability to work because of a post-pregnancy disability or incapacity related to childbirth; or
- To care for a spouse/domestic partner who experiences a post-pregnancy disability or period of incapacity related childbirth.

##### B. Applicable Definitions

- **"Event"** for purposes of this policy, means the birth (including post-pregnancy disability or incapacity related to childbirth), adoption or foster care placement of one or more children.
- **"Parent"** for purposes of this policy, means a biological, adoptive, legal guardian or foster father or mother, or any other individual who stands *in loco parentis* to a child.
- **"Spouse"** means the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This includes common law marriage, domestic partners and same sex marriage in places where these marriages are recognized.

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## **II. Methods and Amount of Leave Available**

### **A. Amount of Leave Available as Paid Parental Leave**

Fulton County will provide up to eight (8) workweeks of 100% paid parental leave to an eligible employee upon the birth of a child or children, or upon taking custody of an adoptive child or foster child under the age of 18. An employee may receive only one period of paid parental leave for the care of any given child. An employee shall not use more than eight (8) workweeks of paid parental leave in any twelve month period. The birth, adoption or foster care placement of multiple children that is part of the same event, does not increase the length of paid parental leave granted.

### **B. Calculation of Leave**

Eligible employees working forty (40) hours per workweek will receive up to a maximum of three hundred twenty (320) hours (eight (8) workweeks) of paid parental leave per event. Eligible employees working less than forty (40) hours per workweek will receive a pro-rated amount of leave per event, based on percentage of time worked. Eligible employees' leave is calculated by multiplying the assigned or average number of hours in a workweek by eight (8).

If both parents work for Fulton County and meet the eligibility requirements, each parent will be eligible for up to a maximum of three hundred twenty (320) hours (eight (8) weeks) of paid parental leave.

### **C. Use of Accrued Leave**

Paid parental leave must be used within twelve (12) months following the birth, adoption or foster care placement of a child. To the extent an employee qualifies for leave under the Family and Medical Leave Act (FMLA) Policy and Procedure for the birth, adoption or foster care placement of a child, any paid parental leave taken under this policy shall be concurrent with, and not in addition to, leave taken under the FMLA Policy and Procedure.

Use of paid parental leave shall not require use of any accrued leave (e.g., sick, vacation, compensatory, holiday). Employees also may use paid parental leave before other accrued leave. Paid parental leave must be used before an employee enters into a leave without pay (LWOP) status. Any paid parental leave not used by the employee before the end of the twelve-month period to which it relates shall be forfeited and may not be accumulated for any subsequent use.

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Paid parental leave shall be used in continuous days during the twelve-month period immediately following the birth or the arrival or placement of the adoptive or foster child. Parental leave may be used on an intermittent basis only if approved by the employee's Appointing Authority in accordance with Paragraph D below.

Paid parental leave will be paid at the employee's regular pay rate, but shall not include overtime.

#### **D. Intermittent or Reduced Schedule Leave**

Use of intermittent or reduced schedule paid parental leave is contingent upon the approval of the employee's Appointing Authority. 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 Policy. Paid parental leave may not be used in increments of less than a full workday or work shift under any circumstance.

### **III. Notice**

Fulton County will process requests for paid parental leave using the same procedures established for employees to request and receive FMLA leave. Employees planning to use paid parental leave should provide their Appointing Authority with no less than thirty (30) days advance notice of the birth, adoption of foster care placement of a child. When the birth, adoption or foster care placement is not foreseeable, employees should provide their Appointing Authority with as much notice as is both possible and practical.

### **IV. 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. All documents provided to the County regarding the leave will be maintained separately and treated by Fulton County as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, government officials or Fulton County's legal counsel.

In addition to any other discipline already outlined in this policy, any employee who violates the confidentiality provisions of this policy could be subject to discipline up to and including termination.

### **V. Prohibition of Outside Employment While on Paid Parental Leave**

Outside employment, including self-employment, during paid parental leave is prohibited, and may result in disciplinary action, up to and including termination of employment.

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