

# Human Resources Policy

Commonwealth of Pennsylvania  
Office of Administration

## Paid Parental Leave

**Number**

HR-WS003

**Effective Date**

February 15, 2024

**Category**

Workforce Support

**Supersedes**

All Prior Versions

**Contact**

717.787.9872

**Scheduled Review**

February 2025

### 1. Purpose

To establish an enterprise-wide Paid Parental Leave benefit for Commonwealth employees.

### 2. Scope

This Human Resources Policy (HRP) applies to all departments, offices, boards, commissions, and councils under the Governor's jurisdiction for human resources management (agencies).

### 3. Background

This Administration is committed to supporting Commonwealth employees and their working families. Paid Parental Leave enables working families to care for and bond with their children without risking financial insecurity, while increasing recruitment and retention of highly skilled workers.

#### 4. Definitions

**Child.** A biological, adopted (including a Child placed for adoption with an Eligible Employee pending a final adoption), or foster Child, under 18 years of age, of an Eligible Employee.

**Eligible Employee.** A full-time or part-time Permanent Employee who has been continuously employed by the Commonwealth for the immediate 12 months preceding the Qualifying Event and meets the Family and Medical Leave Act (FMLA) entitlement and eligibility requirements.

**FMLA.** The Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601–2654, as amended, is the federal law that requires qualifying employers to provide at least 12 weeks of leave (with or without pay) with benefits within a 12-month period for certain qualifying reasons, if the employee was employed at least one year and worked at least 1,250 hours during the previous 12-month period. For permanent part-time management employees and permanent part-time employees represented by some unions, the hours worked requirement to determine an employee’s FMLA eligibility is 900 hours.

**Full-Time Employee.** An employee who is expected to be in an active pay status 75 or 80 hours every pay period, depending upon the pay schedule, and all agency heads.

**Paid Parental Leave.** Eight (8) weeks of paid leave (300 hours for employees with a standard work schedule of 37.5 hours per week and 320 hours for a standard work schedule of 40 hours per week) provided to full-time Eligible Employees for a Qualifying Event. Part-time Eligible Employees will receive leave prorated based on the employee’s regular hours worked.

**Part-Time Employee.** An employee who is expected to be in an active pay status fewer than 75 or 80 hours in a pay period, depending upon the pay schedule.

**Permanent Employee.** An employee who is hired with the expectation of being in an active pay status for more than 12 consecutive months or who is hired with the expectation of being in an active pay status for 9 to 12 consecutive months inclusive and with the expectation of working on an annually recurring basis. The use of this term does not change or alter in any way the at-will employment

relationship that may exist between the Commonwealth and its employees.

**Qualifying Event.** Any of the following that occurs on or after February 15, 2024, for an Eligible Employee:

- Birth of a biological Child.
- Adoption of a Child. **Note:** The adoption of a Child for whom the Eligible Employee is already fostering or otherwise stands *in loco parentis* to the Child is not a Qualifying Event. An Eligible Employee stands *in loco parentis* where they maintain the day-to-day responsibilities to care for, and financially support, the Child. A biological or legal relationship is not necessary.
- Initial placement for adoption of a Child pending final adoption.
- Initial foster care placement of a Child that had not been previously placed with the Eligible Employee.

## 5. Policy

The Secretary of Administration hereby directs Commonwealth agencies to adhere to the following:

- a. Eligible Employees, when able, shall provide notice of their intent to use Paid Parental Leave at least 30 calendar days prior to the anticipated date of a Qualifying Event. Failure to provide at least 30 calendar days' notice may delay the start of the paid parental absence. Paid Parental Leave shall be granted to Eligible Employees upon written proof of a Qualifying Event.
- b. Paid Parental Leave shall be used within 6 months (180 calendar days) immediately following the Qualifying Event. The absence must commence and end within this 6-month period.
  - i. Paid Parental Leave may be used intermittently but must be used in full-day increments. In no situation shall an employee use more than 8 weeks of paid leave (300 hours for employees with a standard work schedule of 37.5 hours per week and 320 hours for a standard work schedule of 40 hours per week) of Paid Parental Leave within a 12-month period. If used intermittently, absences must be prescheduled, and employees must obtain prior approval from their supervisory chain-of-command. Paid Parental Leave cannot be used for unscheduled absences (call-off,

tardy, no show, etc.). Use of intermittent Paid Parental Leave may be denied for legitimate operational reasons.

- ii.** Employees shall retain the option to use other parental leave entitlements granted by law and/or applicable labor agreements.
  - iii.** Any Paid Parental Leave not used within 6 months of the Qualifying Event will be forfeited. Paid Parental Leave cannot be converted to other paid leave, cannot be saved for a future Qualifying Event, and is not payable upon separation from employment.
- c.** Paid Parental Leave will run concurrently with and reduce the Eligible Employee's FMLA entitlement. In no event shall the use of paid leave (annual/combined, sick, parental) extend the 12-week FMLA entitlement or extended leave without pay entitlements granted under applicable labor agreements.
  - d.** Paid Parental Leave may not be used prior to the birth or placement of the Child.
  - e.** Paid Parental Leave shall be paid at the Eligible Employee's regular, straight time, rate of pay.
  - f.** Paid Parental Leave used will not count for purposes of calculating overtime. Employees on Paid Parental Leave will be removed from overtime equalization units.
  - g.** Eligible Employees shall not be permitted to return to work during any work shift while on Paid Parental Leave.
  - h.** When both parents are Eligible Employees, each may receive the full Paid Parental Leave entitlement. Both parents may take the leave simultaneously or at different times, provided that the leave taken by each parent commences and is completed within 6 months (180 days) immediately following the Qualifying Event.
  - i.** Placement of a Child with an Eligible Employee through a private or court-approved Child custody agreement is not a Qualifying Event.
  - j.** Employees on an alternative work schedule (AWS) shall revert to their standard shift, during the AWS cycle(s) in which Paid Parental Leave is utilized.

- k.** Paid Parental Leave may not be utilized for more than 1 Qualifying Event per Child, per Eligible Employee.
- l.** Eligible Employees who had a Qualifying Event occur prior to February 15, 2024, would fall under the terms outlined in the previous version of this policy, and may be eligible for up to 6 weeks of Paid Parental Leave.
- m.** The State Employees' Retirement System has the authority and sole discretion to determine whether Paid Parental Leave is retirement-covered.

Nothing in this HRP shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, or the head thereof. This HRP is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents or any other person.

Should you have any questions or require additional assistance related to the implementation of this policy, please contact the Bureau of Employee Benefits at 717.787.9872.

## **6. Effective Date**

The Effective Date of this HRP is February 15, 2024.

## **7. Related References**

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HRPs are published on the Office of Administration's public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

## **8. Publication Version Control**

It is the user's responsibility to utilize the latest version of this publication, which appears on <http://hrm.oa.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to 717.787.9872.

This chart contains a history of this publication's revisions:

Version	Date	Purpose of Revision
Original	10/15/2020	Base Document
Revised	9/17/2021	Updated to be accessible.
Revised	9/14/2022	Updated the definition of Qualifying Events to include placement for adoption; and exclude placement through child custody agreements (5. Policy, i.).
Revised	2/15/2024	Updated to provide eight (8) weeks of Paid Parental Leave and establish additional Qualifying Event criteria.