

Human Resources Policy

Paid Parental Leave

HRP Number HR-WS003	Effective Date October 15, 2020
Category Workforce Support	Supersedes None
Contact 717.787.9872	Scheduled Review October 2021

1. Purpose

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

2. Scope

This Human Resources Policy (HRP) applies to all departments, offices, boards, commission, and councils (hereinafter referred to as “agencies”) under the Governor’s jurisdiction.

3. Background

This Administration is committed to supporting the Commonwealth’s government workforce and its 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

Eligible Employee. A full-time or part-time Permanent Employee who has been continuously employed by the Commonwealth for the immediate twelve (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, et seq.*, 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, as long as 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.

Qualifying Event. The birth of a Child to an Eligible Employee or the adoption or foster care placement of a Child with an Eligible Employee that occurs on or after October 15, 2020.

Child. A newborn biological or adopted Child or a newly placed foster Child under the age of eighteen (18) years old whose parent(s) is/are an Eligible Employee.

Paid Parental Leave. Six (6) weeks of paid leave (225 hours for employees with a standard work schedule of 37.5 hours per week and 240 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.

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 between the Commonwealth and its employees. **NOTE:** This policy does not confer civil service regular status. Civil service regular status is assigned to civil service regular status employees after the successful completion of their civil service probationary period, which can range from 6 to 18 months.

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.

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.

5. **Policy**

The Secretary of Administration hereby directs agencies to adhere to the policy outlined below:

- a. Eligible Employees, when able, shall provide notice of their intent to use Paid Parental Leave at least 30 days prior to the anticipated date of a Qualifying Event. Paid Parental Leave shall be granted to Eligible Employees upon written proof of a Qualifying Event.

- b.** Paid Parental Leave shall be used within six (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 six (6) weeks of paid leave (225 hours for employees with a standard work schedule of 37.5 hours per week and 240 hours for a standard work schedule of 40 hours per week) of Paid Parental Leave within a 12-month period. If used intermittently, employees must obtain prior approval from their supervisory chain-of-command. Use of intermittent Paid Parental Leave may be denied for legitimate operational reasons.
 - ii. If Paid Parental Leave is used on an intermittent basis or does not commence within 20 weeks of the Qualifying Event on a full-time consecutive basis, the Paid Parental Leave entitlement may be reduced.
 - iii. Employees shall retain the option to use other parental leave entitlements granted by law and/or applicable labor agreements.
 - iv. 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 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 shall be paid at the Eligible Employee's regular, straight time bi-weekly salary.
- e.** Paid Parental Leave used will not count for purposes of calculating overtime. Employees on Paid Parental Leave will be removed from overtime equalization units.

- f.** Eligible Employees shall not be permitted to return to work during any work shift while on Paid Parental Leave.
- g.** 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.
- h.** Paid Parental Leave may not be used prior to the birth of the Child.

Nothing in this HR Policy shall be construed to impair or otherwise affect the legal authority of an executive department, agency, or the head thereof.

This HR Policy 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 HR Policy is October 15, 2020.

7. Related References

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies 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 717.787.8575.

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

Version	Date	Purpose of Revision
Original	10/15/2020	Base Document