



SECTION	SUBJECT PAID PARENTAL LEAVE
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POLICY SCOPE/POLICY STATEMENT

To enhance wellness and work-life balance for employees, the City of Birmingham provides all regular, classified, exempt, and appointed full-time employees, as well as hourly employees who meet the criteria outlined in this policy document, with up to 12 full weeks or 480 hours of paid parental leave in a 12-month period. Paid Parental Leave is not charged against an employee's accrued leave. Paid Parental Leave shall run concurrently with any leave available under FMLA as outlined in the City's FMLA policy. Parental leave may be used for medical reasons and to support bonding with the newly born, newly placed adopted child, or newly placed foster child

I. Definitions:

A. QUALIFYING EVENT:

- (1) "Qualifying Event" means the addition of a child under the age of 18 (or under age 23 with a physical or mental disability) to the Employee's immediate family through childbirth, surrogacy, adoption, foster care placement, or other form of legal placement.
- (2) The term "Qualifying Event" also includes a stillbirth occurring 20 or more weeks into the pregnancy.
- (3) The birth, adoption, or foster care placement of multiple children at the same time constitutes only one Qualifying Event.

B. Parental Role

- (1) Parental Role means the assumption of the role of parent or legal guardian by an eligible employee without regard for gender, sexual orientation, or marital status. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stands *in loco parentis*, or in the place of the parent, and has day-to-day responsibility for the care and financial support of a child born to or placed with the employee.
- (2) The term "Parental Role" does not include other non-parental family members or caregivers.
- (3) The term "Parental Role" does not include an employee to whom a child is born or with whom a child is placed when the employee will not reside in the same residence as the child.
- (4) The term "Parental Role" does not include sperm donors or egg donors.

C. PAID PARENTAL LEAVE: "Paid parental leave" means paid time off from an employee's scheduled work period(s) that is authorized and granted to cover periods of time within the 12-month period commencing on the date of birth or placement to an employee who has a

parental role in connection with the child whose birth or placement was the basis for granting leave under FMLA. This leave is not available to an employee who does not have leave available under FMLA.

II. ELIGIBILITY

- A. Eligibility for paid parental leave is based on one of the following qualifying events:
- (1) birth of a child resulting in the employee assuming a parental role with respect to the newly born or placed child;
 - (2) placement of a minor child for adoption with the employee resulting in the employee assuming a parental role with respect to the newly born or placed child; or
 - (3) placement of a minor child for foster care with the employee resulting in the employee assuming a parental role with respect to the newly born or placed child.
- B. To be eligible to use paid parental leave for a qualifying event, an employee must meet the following criteria:
- (1) The employee must have worked for the City of Birmingham for at least 12 months and the employee must have worked 1250 hours for the City of Birmingham in the twelve months immediately preceding the first requested paid parental leave date.
 - (2) The employee experiences a qualifying event on or after the effective date of this Paid Parental Leave Policy.
 - (3) The Employee must be eligible for FMLA leave, and the employee must invoke the right to replace FMLA leave with Paid Parental Leave. Paid Parental Leave may only be substituted for FMLA to the extent that leave is available under FMLA.
- C. Termination of Eligibility:
- (1) Eligibility for Paid Parental Leave ends if an employee transfers to an ineligible position.
 - (2) The employee expresses an intent not to return to work.
 - (3) Paid Parental Leave is not paid out upon separation from employment and cannot be donated to other employees.
- D. Usage of Paid Parental Leave
- (1) To be eligible for Paid Parental Leave an employee must also be eligible for leave under the federal Family and Medical Leave Act (FMLA). An employee who is eligible

for leave under FMLA may opt to replace leave available under FMLA with Paid Parental Leave, and the Paid Parental Leave shall run concurrently with FMLA leave.

(2) An eligible employee may take a maximum of 480 hours of paid parental leave in a rolling 12-month period. The rolling period will be measured forward from the first date of leave taken. The amount of leave in a rolling 12-month period cannot exceed 480 hours, regardless of the number of qualifying events that occur during that period. Each department head is responsible for conducting due diligence to ensure an employee has not exhausted the 480-hour allotment prior to approval of paid parental leave.

(3) Leave may be taken on an intermittent basis so long as all leave is taken within twelve months of the qualifying event. Leave taken intermittently or on a reduced leave schedule is subject to the mutual agreement of the employee and the supervisor or department head.

(4) Leave may be taken on a part time basis in increments of no less than two-week increments.

(5) Once the entitlement to Paid Parental Leave is used, an employee is not entitled to 12 additional workweeks of leave under FMLA until the previous 12-month period ends and a qualifying event or situation occurs that entitles the employee to another period of parental leave or FMLA. Please see below relating to use of other accrued personal time.

(6) Paid Parental Leave may begin prior to the actual date of birth or placement for adoption or foster care, however, use of leave for a birth before the date of birth is limited to situations in which an employee is using the leave:

(i) For the birthing parent, because of the employee's serious health condition related to the anticipated event of the employee giving birth to a child; or

(ii) For the non-birthing parent, to care for the birthing parent of the employee's expected child in connection with the birthing parent's serious health condition related to pregnancy; or

(iii) For adoptive or foster parents, use of leave for placement before the date of placement is limited to situations in which the employee must be absent to engage in activities necessary to allow an anticipated adoption or a foster care arrangement to proceed.

E. Usage of Parental Leave if both parents are employed by the City.

If both parents are employed by the City, the employees are each entitled to 12 weeks of PPL under this policy under the following conditions:

- (i) If both parents are employed by the same department of the city:
 - a. Both parents are entitled to use two (2) weeks of leave immediately following the birth or placement of the child.
 - b. The remaining ten (10) weeks of PPL for each parent must be staggered in two (2) week minimum increments during the remainder of the 12 weeks. This means that after the first two weeks of PPL, the

parents may not be off work on PPL at the same time for the remainder of the 12-month period that PPL may be used.

- c. The Chief of Staff &/or the Chief Human Resource Officer may grant exceptions if the additional PPL relates to a medical condition of either the birthing parent or the child. If the Chief of Staff &/or the Chief Human Resource Officer do not grant the request for the exception, the request will be submitted to the same committee which reviews requests under the City's Sick Leave Bank Policy. Review of the request by this committee does not make the requesting party a member of the Sick Bank unless the employee was already a member.

If both parents are employed by the City but in different departments, both parents may use PPL during the same dates.

F. **Parental Leave Pay Rate:** During Paid Parental Leave, employees will continue to be paid their City of Birmingham normal rate of base pay or wages for up to 12 weeks or 480 hours. In no case can the use of paid leave time result in an employee's receipt of more than 100% of base pay or wages.

G. **Concurrent Use of FMLA and Need for Additional Leave**

- (1) The paid time off under this Paid Parental Leave Policy will run concurrently with available leave under the Family & Medical Leave Act ("FMLA").

- (2) If an employee needs additional leave associated with the birth, adoption or foster care or leave for an unrelated medical condition of the parent, the employee may apply an accommodation under the City's American with Disabilities Act policy.

- (3) Nothing in this policy prevents employees from using accrued sick and vacation time for other leave needed during the 12 months following the birth or placement of the child. This time must be used consistent with the requirements of the City of Birmingham's Leave Policies and the leave policies of the Jefferson County Personnel Board.

- (4) If the employee does not have any personal sick or vacation time and the leave is needed for something other than the employee's medical condition, the employee, after consultation with the Department Head, may request additional leave. The Chief of Staff &/or the Chief Human Resource Officer may grant additional unpaid leave. If the Chief of Staff &/or the Chief Human Resource Officer do not grant the request for the exception, the request will be submitted to the same committee which reviews requests under the City's Sick Leave Bank Policy. Review of the request by this committee does not make the requesting party a member of the Sick Bank unless the employee was already a member.

H. **Advance and Effective Notice Required:**

- (1) All Paid Parental Leave requires effective notice from the employee to the employee's direct supervisor and department leadership.

(2) Effective notice is given when the employee submits all the following to LOA@birminghamal.gov with a copy to the employee's supervisor and the Department Leadership at least 30 days before the Event:

(i) A written request to substitute Paid Parental Leave in place of FMLA;

(ii) A written designation of the choice to take Paid Parental Leave in one continuous period on a full-time basis or in multiple periods on a full or part-time basis with a proposed schedule of any intermittent leave;

(iii) The anticipated start date and duration of the requested Paid Parental Leave; and

(iv) Appropriate supporting medical and/or legal documentation for the use of paid parental leave, including but not limited to a health care provider note certifying the expected due date (if requesting prior to the birth), or document certifying the birth (e.g., birth certificate, certificate of live birth, or consular report of birth abroad), surrogacy, or placement of a child by adoption or foster care (adoption or foster care paperwork must indicate the child's placement with the employee and the date of placement).

(3) Any proposed schedule for intermittent or reduced leave is subject to the written agreement of the employee, the employee's supervisor, the Department leadership, and HR. The initial schedule of intermittent leave may be amended upon the written agreement of the employee, the Department leadership and HR.

(4) Leave taken on an intermittent basis, which can be taken in increments of no less than two (2) weeks, requires an employee to provide 30-days advance notice and receive department approval prior to each segment of leave, unless employee's initial notice contained a schedule including each segment of leave and the schedule included in that initial notice was agreed upon by the employee's supervisor.

(5) If exigent circumstances make it unreasonable to provide 30-days advance notice, employees must provide notice as soon as practicable. Failure to provide appropriate notice may delay the consideration or approval of the request.

I. Any paid parental leave remaining 12 months after the initial qualifying event shall not carry over for future use.

(1) Unused paid parental leave shall have no cash value and shall not be paid out at the time of the employee's separation from employment.

(2) Any absence from work which fails to comply with this policy and/or the City's policy for other types of leave will be treated as an absence without leave subjecting the employee to discipline up to and including termination.

(3) The use of PPL shall not constitute grounds for carrying over more than 320 hours of vacation from one calendar year to the next.

J. An employee's abuse of the PPL policy, including but not limited to the falsification of documents submitted to support leave and dishonesty about the reasons for requested leave will subject the employee to discipline up to and including termination.

K. This policy is not intended to restrict communications or actions protected or required by state or federal law.

The adoption of this policy supersedes all prior personnel policies, resolutions, or executive orders that conflict with the provisions herein.

APPROVED ON THIS THE 17TH DAY OF JANUARY 2023.

A handwritten signature in black ink, appearing to read "R. Woodfin", written over a horizontal line.

RANDALL L. WOODFIN, MAYOR