

**Attachment B
Parental Leave**

This is an attachment to State HR Policy 60.000.15 Family and Medical Leave that specifically addresses Parental leave. The agency must follow the provisions of the main policy plus this attachment when administering Parental leave.

- (1) Under FMLA and OFLA an eligible employee may take up to 12 weeks of Parental leave to care for the employee's newborn, newly adopted child or newly placed foster child or a child of whom the employee is acting in loco parentis (in place of a parent). For example: an employee in loco parentis to the newly placed foster child of the employee's same- or opposite-sex domestic partner may be eligible for Parental leave.
 - (a) The employee must complete Parental leave within 12 months of the birth of the employee's child, or the adoption or placement of a foster child.
 - (b) Parental leave following birth, adoption, or placement must be taken in a continuous block of time unless the agency, in its discretion, permits an employee to take Parental leave intermittently or on a reduced schedule.
 - (A) Use of intermittent or reduced-schedule leave requires the employee and the agency find a schedule that meets the agency's needs as well as the employee's desire for intermittent or reduced-schedule leave.
 - (B) The law allows an employee to take Parental leave in increments prior to the adoption or placement of a foster child if the employee's absence from work is required for the adoption or foster care placement to proceed.
- (2) An eligible employee has up to 12 weeks of FMLA and OFLA leave that are taken together when the employee is eligible for both leaves. The time an employee spends on Parental leave is deducted from the employee's total 12 week entitlement.
 - (a) If an employee is absent from work for pregnancy disability¹ the employee gets up to an additional 12 weeks of OFLA leave to use for any OFLA qualifying purpose. If the employee used any amount of OFLA leave prior to pregnancy disability this amount is deducted from the additional 12 weeks entitlement.
 - (b) If an employee uses a full 12 weeks of Parental leave, the employee gets an additional 12 weeks to use as Sick Child leave (see Attachment C on Sick Child leave).
- (3) An agency may not require medical certification for Parental leave for the birth of a newborn, newly adopted or newly placed foster child. However, an agency may need an employee to produce other types of documentation for placement of a foster child or adoption. For example: an employee needs three days off prior to placement of a foster child to go to court. The agency may require documentation verifying the court dates.
- (4) Refer to the main policy for procedures for an employee to request Parental leave and the agency's requirements when responding to a request.

¹ Pregnancy disability: any period of incapacity for pregnancy, pregnancy-related illness, or for prenatal care. For a more detailed definition of pregnancy disability see the policy attachment (A) for FMLA and OFLA leave for a serious health condition.