

## **FMLA and Parental Leave Frequently Asked Questions**

### **Parental Leave**

**Q 1. What does Salt Lake County Parental Leave include?**

Parental Leave includes six weeks (240 hours) of consecutive, paid leave for work absence due to the birth or adoption of a child.

**Q 2. Is there any additional leave available for birth mothers?**

Yes, birth mothers eligible under the Family Medical Leave Act (FMLA) are entitled to an additional six weeks (240 hours) of consecutive paid leave immediately after the birth to recover from the physical and medical effects of pregnancy and childbirth. Birth mothers are eligible for a total of 12 weeks paid leave.

**Q 3. Who can use Parental Leave?**

All employees who are approved for FMLA leave due to the birth or adoption of a child.

**Q 4. When should an employee request to use Parental Leave?**

Employees must report the ending birth or adoption of a child to their supervisor as soon as possible for their individual circumstances.

**Q 5. What is the timeframe in which an employee can take Parental Leave?**

Parental Leave must begin within six months of the birth or adoption of the child, and must be used consecutively. Birth mothers are entitled to an additional six weeks of consecutive paid leave immediately after the birth to recover from the physical and medical effects of pregnancy and childbirth.

**Q 6. What is the effective date for the new Parental Leave policy?**

May 1, 2017. The Council approved this policy change on August 1, 2017, with a three month retroactive date of May 1, 2017. Parental Leave will be applied retroactively for births or adoptions that occurred on or after May 1, 2017.

**Q 7. What if an employee has taken leave due to the birth or adoption of a child on or after May 1, 2017?**

Any vacation, sick or comp time used for this leave will be reimbursed. Payroll coordinators will work with Mayor's Finance to retroactively apply Parental Leave in these situations.

**Q 8. If an employee had their baby prior to May 1, 2017, but was on leave for the birth and bonding with the child after May first, are they eligible for Parental Leave?**

No, in order to be eligible for Parental Leave an employee has to have had their baby on or after May 1, 2017.

**Q 9. I understand that Parental Leave has to be taken consecutively. If an employee took leave for the birth or adoption of a child between May 1, 2017 and August 1, 2017, do they still qualify for the Parental Leave?**

Yes, as long as employees had their baby on or after May 1, 2017 and qualify for FMLA leave, they are entitled to the full Parental Leave benefit.

The leave taken prior to August 1, 2017 will be designated as FMLA leave and any sick or vacation time taken will be reimbursed and counted as Parental Leave.

They will then be eligible for any remaining leave, which will need to be taken consecutively.

**Q 10. If an employee who works part-time or three quarter time qualifies for FMLA leave how much Parental Leave can they receive?**

Employees who work less than 40 hours per week, will have their Parental Leave pro-rated accordingly.

**Q 11. Are time-limited employees eligible for Parental Leave?**

Time-limited employees who qualify for FMLA leave also qualify for Parental leave.

**Q 12. What documentation do employees have to provide to verify the birth or adoption of a child?**

Birth: As employees are expected to request Parental Leave as soon as feasible, they may submit either a note from a doctor verifying the pregnancy and due date or they may use the existing medical certification form.

Adoption: a signed letter on letterhead by the adoption agency or relevant court authority, verifying the adoption of a child.

**Q 13. Can employees take Parental Leave intermittently?**

No, employees must take all Parental Leave consecutively.

**Q 14. Can an agency deny Parental Leave to employees if the employee's absence would create an undue hardship to the agency?**

No, as long as an employee qualifies for FMLA leave, they can receive the Parental Leave benefit.

**Q 15. Can birth mothers receive short term disability benefit, while receiving Parental Leave?**

Yes, employees who qualify for short term disability may receive those payments while receiving paid Parental Leave.

**Q 16. If an employee's child is still born, how much Parental Leave can the employee receive?**

Birth mothers can receive six weeks of paid Parental leave to recover from the physical and medical effects of pregnancy and childbirth.

All other parents, such as fathers, do not receive any paid Parental Leave when a child is still born.

**Q 17. If an employee miscarries in the last weeks before the due date, does the employee receive Parental Leave to recuperate?**

No, the employee would not be eligible for Parental Leave but can request FMLA leave.

**Q 18. If a birth mother is put on bedrest prior to the birth of the baby, what kind of leave can she use while on bedrest?**

Birth mothers can only start receiving Parental Leave once the child is born. If they need to be on bedrest prior to the birth of the child, they can apply for FMLA leave and use it concurrently with the accruals, as specified in the County's FMLA policy. Once the child is born they can take the remaining FMLA leave and Parental Leave.

**Q 19. In cases of adoption, when can an employee start taking Parental Leave?**

An employee may start taking Parental Leave once the adoption is finalized, or if needed earlier to address adoption related matters, such as traveling to pick up the child.

**Q 20. If an employee acts as a surrogate birth mother for a child, is she entitled to Parental Leave?**

Yes, she may receive six weeks "immediately after the birth of the child to recover from the physical and medical effects of pregnancy and childbirth."

**FMLA Policy Changes**

**Q 21. If an employee requested and was approved for FMLA prior to August 1, 2017, do they still need to take their paid leave concurrently with their FMLA leave and do they need to exhaust their paid leave prior to taking unpaid FMLA leave?**

No, all FMLA leave requests made prior to the new policy going into effect, should be maintained as valid agreements based on policy at that time. All new FMLA leave requests must comply with the new HR Policy 4-600, as approved on August 1, 2017.

**Q 22. If an employee is on FMLA leave and has been approved for Short Term Disability, do they still need to exhaust their leave accruals?**

No, employees who are on STDi or workman's comp, may, but are not required to take their accruals concurrently.

**Q 23. If an employee has been approved for Short Term Disability, does that mean they are excused to be off of work?**

Short Term Disability is an insurance benefit that replaces part of an employee's wages while they are unable to work. An employee still needs to seek approval for any time off. For example, they can apply for FMLA leave, which will protect their job (if they qualify).

**Q 24. What if an employee does not complete FMLA paperwork?**

If it is known that an employee is taking leave for a FMLA qualify reason, we will designate it as FMLA leave, regardless of whether the employee has requested FMLA leave or not.

SLCo HR Policy 4-600 (II)(3)(d) states: "To the degree that the underlying condition for which the employee is receiving workers' compensation, short term disability, long term disability or using paid leave is a serious health condition, the County shall designate the employee's FMLA leave to run concurrently."

**Q 25. If an employee exhausts their FMLA leave and all their accruals, what options do they have?**

Employees who exhaust their FMLA leave and their accruals, may request leave without pay or a reasonable accommodation under the American's with Disabilities Act (ADA).

**Additional Questions**

**Q 26. Whom do I contact if I have additional questions about FMLA and/or Parental Leave?**

If you have additional questions about the County's FMLA policy or the new Parental Leave benefit, please contact an Employee Relations team member at 385-468-0570.