

SOUTHWESTERN COMMUNITY COLLEGE	HUMAN RESOURCES <b>PARENTAL LEAVE</b>	Policy <b>4.02.09</b>
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## **I. PURPOSE**

Paid Parental Leave is designed to promote families' physical and mental health, increase employee retention and morale, and to afford employees the ability to take time from work after the birth, adoption or placement of a child. This policy applies to both full-time and part-time employees that qualify for parental leave.

## **II. DEFINITIONS**

- A. "Child" means a newborn biological Child or a newly placed adopted, foster or otherwise legally placed Child under the age of 18, whose Parent is an eligible employee.
- B. "Paid Parental Leave" is fully paid leave to be provided to an eligible employee either (a) upon the employee giving birth for both recuperation during the disability period and bonding with a newborn Child, or (b) to other eligible employees to care for and bond with a newborn Child or newly adopted, foster or otherwise legally placed Child.
- C. "Parent" means:
  - 1. the mother or father of a Child through birth or legal adoption; or
  - 2. an individual who cares for a Child through foster or other legal placement under the direction of a government authority.
- D. "Public safety concern" means a significant impairment to the College's ability to conduct its operations in a manner that protects the health and safety of students, employees or other individuals on the College campus.
- E. "Qualifying event" means when an employee becomes a Parent to a Child. This includes miscarriage or stillbirth that occurs after the twelfth (12<sup>th</sup>) completed week of pregnancy but before childbirth.

## **III. ELIGIBILITY FOR PARENTAL LEAVE**

- A. Employees who become Parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:

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1. Employee is in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for Paid Parental Leave.
2. At the time of the qualifying event, the employee meets each of the following conditions:
  - (i) For the immediate 12 preceding months, the employee has been employed without a break in service by the College in a permanent, time-limited, or probationary appointment. Periods of worker's compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave. Further, periods of leave without pay for illness, educational purposes, vacation, or other reasons deemed by the President shall not constitute a break in service; and
  - (ii) The employee has been in pay status with the College for at least 1,040 hours during the previous 12-month period. Exhaustion of Family and Medical Leave does not affect eligibility for Paid Parental Leave.
3. The employee may aggregate periods of employment with different employers offering Paid Parental Leave, including other community colleges, other public-school units or state agencies that offer Paid Parental Leave, to meet the eligibility requirement in subsection (B).
4. For employees that only work nine (9), ten (10), or eleven (11) months of the year, the months between the conclusion of the spring and fall academic terms shall not constitute a break in service.

#### **IV. LEAVE FOR FULL-TIME EMPLOYEES**

- A. Full-time employees eligible for Paid Parental Leave may take, in their discretion, up to the following amounts of leave:
  1. Eight (8) weeks of paid leave after a Parent gives birth to a child. Four weeks for recuperation after childbirth and 4 weeks for bonding with the child.
  2. Four weeks of paid leave after any other qualifying event for bonding.

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- B. Each week of Paid Parental Leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

#### **V. LEAVE FOR PART-TIME EMPLOYEES**

- A. Part-time employees (regardless of whether they work half-time or more) shall receive Paid Parental Leave if the employee meets all other requirements for eligibility.
- B. Part-time employees eligible for Paid Parental Leave may take, in their discretion, a prorated leave amount, corresponding to the percentage of hours the employee is normally scheduled to work compared to the normal hours of a full-time employee, not to exceed the amount of parental leave available to full-time employees.
- C. Each week of Paid Parental Leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

#### **VI. USE OF OTHER LEAVE**

- A. Paid Parental Leave provided under is in addition to any other leave authorized by this state or federal law, or College or policies established by the College, provided that the Paid Parental Leave:
  - 1. Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued leave; and
  - 2. Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601 *et seq*, provided the employee received appropriate notice.

#### **VII. REQUESTING PARENTAL LEAVE**

- A. Eligible employees may take Paid Parental Leave in one continuous period or may take intermittent use of Paid Parental Leave. Requests for intermittent use of Paid Parental Leave are subject to the College's approval as stated in this Section.
- B. Whenever possible, eligible employees shall notify the College's Human Resources

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Department at least 10 weeks in advance of their intention to use Paid Parental Leave. Employees may withdraw their request for Paid Parental Leave at any time.

- C. Absent unusual circumstances, the employee shall be required to comply with all other College leave request procedures. The College may require written evidence of a Qualifying Event.
- D. The College will not deny, delay, or require intermittent use of Paid Parental Leave to employees who gave birth and seek to use Paid Parental Leave in one continuous period.
- E. For all other employees not subject to Paragraph (4) above, the College may delay providing Paid Parental Leave or may provide Paid Parental Leave intermittently if it determines that providing the leave will cause a public safety concern at the College. For example, the extension of Paid Parental Leave to an eligible employee who did not give birth may constitute a Public Safety Concern if:
  - 1. Providing the Paid Parental Leave would result in College staffing levels;
  - 2. Below is what is required by federal or state law to maintain operational safety.
    - i. Providing the Paid Parental Leave may impact the health or safety of staff, students, or other individuals on the College's campus; and
    - ii. The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
- F. If the College determines that it must delay Paid Parental Leave, or make Paid Parental Leave intermittent, because of a public safety concern under paragraph (5) above, the College shall provide Paid Parental Leave as soon as practical following the Qualifying Event.
- G. If both Parents are eligible employees of the College, each may receive Paid Parental Leave. Both Parents may take their leave simultaneously or at different times, pending no Public Safety Concern.
- H. The College will respond to all requests for Paid Parental Leave in writing within two weeks of the request.

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### **VIII. USE OF LEAVE**

- A. Paid Parental Leave may be used only once for a Qualifying Event within a twelve (12) month period. The fact that a multiple birth, adoption, or other legal placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of Paid Parental Leave granted for that event.
- B. Unused Parental Leave is forfeited 12 months from the date of the Qualifying Event.
- C. Paid Parental Leave shall not accrue or be donated to another employee.
- D. Employees shall not be paid for parental leave upon separation from the employer. Parental leave shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
- E. Leave usage must be recorded in the same required increments as all other leave under College policy.
- F. If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available accrued leave shall be utilized in accordance with the College's leave policies. Paid Parental Leave shall not be used prior to the Qualifying Event.
- G. Eligible employees may not use accrued sick leave, annual leave or other leave in lieu of Paid Parental Leave.

### **IX. USING LEAVE FOR ADOPTIONS AND FOSTER CARE PLACEMENTS**

- A. If an employee, who gives birth and meets the eligibility requirements under Section II, places their child up for adoption or in foster care, the employee shall remain eligible for the Paid Parental Leave listed in Sections III and IV of this policy, whichever is applicable.
- B. When an employee is a prospective adoptive parent or foster parent, but the adoption or foster placement does not occur, the employee is not eligible for Paid Parental Leave. However, if applicable, other available leave balances may be utilized in accordance with the College's leave policies.

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#### **X. USING LEAVE FOR MISCARRIAGE AND STILLBIRTHS**

- A. It is not a Qualifying Event when an employee is pregnant and the fetus dies during the first twelve (12) weeks of pregnancy.
- B. When a fetus dies during or after the thirteenth (13<sup>th</sup>) week of pregnancy, but before childbirth, the employee is eligible for the full amount of Paid Parental Leave listed in Section III or IV, whichever is applicable, if the employee otherwise meets the eligibility requirements of Section II. This is eight (8) weeks for full-time, eligible employees.
- C. When a child dies after childbirth is complete, the employee is eligible for the full Paid Parental Leave listed in Section III or IV, whichever is applicable, if the employee otherwise meets the eligibility requirements of Section II. Paid Parental Leave will not end at the time of the child's death.
- D. In any of the situations above, if the employee requires leave for bereavement or recovery, other available leave balances shall be utilized in accordance with the College's leave policies.

The President, or designee, is authorized to create appropriate procedures and processes for the implementation of this policy.

Adopted: July 22, 2025