



CITY OF CINCINNATI
Human Resources Policies and Procedures

No. 4.7	Parental Leave Policy	No. of Pages: 5
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City Manager <u>Harry Black</u>	Supersedes: <u>Georgetta Kelly</u>	HR Director

4.7 Parental Leave

A. Purpose

Effective January 1, 2016, it is the policy of the City of Cincinnati to provide Parental Leave for permanent, full-time employees of the City, for the birth of a newly-born child or for the adoption of a minor child. This procedure sets forth the guidelines and requirements for taking Parental Leave, and sets forth the processes involved with providing Parental Leave to employee. The Human Resources Department has oversight for enforcement of this policy and the Human Resources Director may review exceptional circumstances on a case-by-case basis.

B. Guidelines

Every permanent, full-time employee, working at least $\frac{3}{4}$ time, and who accrues vacation and sick leave, is eligible for six weeks of Parental Leave. The employee must be the biological parent of a newly-born child or the legal guardian/adoptive parent of a minor child and reside in the same household. Parental leave consists of a 14-calendar-day "waiting period" and 28 calendar days of paid Parental Leave in accordance with this policy.

If both parents are employees of the City of Cincinnati, they are each eligible for six weeks of Parental Leave. The parents may elect to take leave concurrently, or they may elect to take Parental Leave consecutively. In no instance shall the combined Parental Leave extend beyond twelve weeks after the biological child is born or the adopted minor child is placed.

C. Eligibility

In order to be eligible for Parental Leave the employee must be:

- 1) In a permanent, full-time status working at least $\frac{3}{4}$ time; and
- 2) The biological parent; or
- 3) The legal guardian/adoptive parent of a newly-adopted minor child who resides in the same household.

Employees electing to take parental leave must provide a birth certificate, adoption certificate, or other appropriate documentation within 90 days of the birth or placement. Failure to do so may result in the forfeiture of leave and the employee will be responsible for reimbursing the City the value of any benefits received under this policy.

Multiple births or adoptions within six weeks of each other shall be considered one qualifying event for purposes of determining eligibility for Parental Leave.



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D. Time Frame

This policy takes effect on January 1, 2016. Employees who adopt children or whose biological children are born before midnight on December 31, 2015, are not eligible for this benefit. After the birth or adoption of a child born on or after January 1, 2016, the employee's two-week waiting period may begin.

Except as otherwise provided in this chapter, as used in this policy:

- 1) Parental Leave consists of a 14-day Waiting Period, which immediately follows the birth or adoption of an eligible child, followed by the 28-day 70% Supplemental Leave Period.
- 2) The Waiting Period begins on the day a child is born or adopted.
- 3) The 70% Supplemental Leave Period may not exceed 28 calendar days and must immediately follow the end of the Waiting Period.
- 4) After the expiration of the Parental Leave, additional leave will be governed by City policy or the applicable collective bargaining agreement.

E. Waiting Period

Employees taking Parental Leave must serve a waiting period of 14 calendar days. The Waiting Period begins on the day the biological child is born or the adoptive child is placed.

During the Waiting Period, employees may elect to:

- Take two weeks of unpaid leave;
- Work their regular and assigned schedule; or
- Use accumulated, paid leave from employee's leave balances.

If the employee does not have enough sick leave to cover the entire Waiting Period, the employee may use vacation. If the employee does not have enough sick leave or vacation, the employee may be advanced sick leave, consistent with this procedure to cover the Waiting Period. Once the two week waiting period has elapsed, the employee will then be eligible for four weeks of paid Parental Leave.

All time off from work during the Waiting Period, including unpaid time, is to be charged against the employee's FMLA leave entitlement, to the extent the employee is entitled to FMLA leave.

F. 70% Supplemental Leave

Once the employee has completed the two week waiting period, the employee is then eligible for 28 calendar days of supplemental leave. The employee will be paid 70% of the average number of regular hours worked over the three month period preceding the Parental Leave, including paid leave other than donated time, but excluding any overtime hours. Benefits cannot exceed 40 hours per week and do not include overtime.

Employees may supplement the remaining 30% of regular hours with accumulated paid leave.



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1) Calculating the 70% Pay

At no time shall an employee receive paid Parental Leave of more than 70% of their regular wage, calculated for a 40-hour week, during any of the weeks of Parental Leave. To determine 70% of the employee's wage:

- i) Add the total hours worked over the immediately preceding three months;
- ii) Determine the average number of hours worked per calendar week;
- iii) If the average number of hours worked is over forty, use forty hours as the average;
- iv) Multiply the average number of hours by 70%. That number is the number of Paid Parental Leave hours to which the employee is entitled each week of the four week Parental Leave;
- v) Multiply the number of Paid Parental Leave hours by the employee's regular hourly wage. That number is the maximum dollar amount of paid parental leave the employee may take each week during the four weeks of Paid Parental Leave.

Example 1: An employee who averages 40 hours of work during the preceding three months will be eligible for 28 hours of regular pay per week, and may subsidize up to 12 hours per week in accumulated leave. Employees averaging more than 40 hours per week should use 40 as the average rather than the actual average number of hours worked.

Example 2: An employee who averages 30 hours of work during the preceding three months will be eligible for 21 hours of regular pay per week, and may subsidize up to 9 hours per week in accumulated leave.

Example 3: An employee who is a nonpaid status or is utilizing only donated time for the three months prior to the Waiting Period will be eligible for 0 hours of Parental Leave pay per week.

G. Supplementing Parental Leave with Sick Leave and Vacation

An employee may use sick leave in accordance with City policy to supplement Parental Leave. Sick leave hours taken to supplement Parental Leave must be taken concurrently with FMLA leave in accordance with City policy 4.3(6).

Employees who have exhausted sick leave may use vacation time, in accordance with City policy to supplement Parental Leave. The employee may take vacation leave to the extent the employee would be eligible to take vacation leave if the employee were not on Parental Leave. Represented employees should refer to the appropriate collective bargaining agreement for more information about using vacation.

Donated time may not be used to supplement Parental Leave.

H. Benefits during Parental Leave

Employees remain eligible for all employer-paid and employer-provided benefits and will continue to accrue other forms of paid leave while on Parental Leave.

1) Health Insurance

Employees on Parental Leave remain eligible for health insurance coverage. If the employee elects to be in non-paid status for the two week waiting period, the employee will



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be responsible for paying the employee portion of health insurance premiums. If the employee does not take paid leave during the waiting period, repayment of the premiums will be consistent with the City's policy for collecting premiums while an employee takes Leave Without Pay.

2) Holiday Pay

Employees are ineligible for holiday pay during the period of time they receive unpaid or partially paid Parental Leave. An employee is eligible to receive holiday pay, as applicable by City policy, if they receive full pay throughout the entire leave period and if they comply with all other policy and provisions in the applicable collective bargaining agreement.

Eligible employees will receive full holiday pay, instead of receiving 70% Parental Leave pay and using 30% supplemental pay, for holidays that occur during their Parental Leave.

Sworn police and fire personnel forfeit the equivalent holiday hours for any holiday that falls within any portion of the parental leave that the employee is ineligible to receive holiday pay.

In no instance will the occurrence of a holiday during an employee's Parental Leave justify an extension of any kind.

3) Overtime

Employees are not eligible for any overtime while on Parental Leave. Overtime hours are not included when calculating the average number of hours worked in the preceding three months.

4) Donated Time

Employees electing Parental Leave are not eligible to receive donated time for any part of the six week Parental Leave. This includes the waiting period and the supplemental leave.

5) Advanced Leave

Employees who do not have sufficient sick leave balances to cover the Waiting Period may receive an advance on sick leave to cover the time period the employee is eligible to take sick leave. The advance will be entered as a negative balance and will remain negative until the employee has accrued sufficient leave to offset the sick time advanced.

No more than 80 hours (for an employee working 40 hours) may be advanced for the 14-day Waiting Period. Employees working at least $\frac{3}{4}$ time, but less than 40 hours, can receive advanced leave on a prorated amount.

Any employee who has a negative sick leave balance at the end of the Parental Leave, after returning to work, may elect to receive an additional advance of five sick days to be used within twelve months. This time can only be used for instances that qualify for sick leave. It is the responsibility of the supervisor of the employee to monitor and ensure that the employee does not exceed the five additional days within the following twelve month period.



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Donated time may not be used to bring a negative leave balance back to zero.

6) Reimbursement of Advanced Sick Leave

With the exception of taking the five days potentially advanced to the employee at the end of Parental Leave, employees who are advanced sick leave will be ineligible to take sick leave until the employee has accrued the equivalent hours of sick leave that was advanced.

7) Reimbursement of Unearned Advanced Sick Leave

Employees leaving City service prior to earning back advanced sick leave will owe the City for the value of the paid sick days that were not earned back. The City reserves the right to withhold the amount owed from the employee's last paycheck, any retirement contributions withdrawn, or any leave balances paid out.

