



## PAID PARENTAL LEAVE POLICY

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### I. SCOPE AND PURPOSE

Section 8-11-150 (A) and Section 8-11-155 of the South Carolina Code of Laws provide six weeks or two weeks of paid parental leave upon the occurrence of a qualifying event to employees who occupy all or part of a full-time equivalent position. Employees in temporary, temporary grant, time-limited, research grant and all other non-FTE positions are not eligible for PPL.

The purpose of this policy is to guide the administration of paid parental leave (PPL).

### II. DEFINITIONS

**Child:** A newborn biological child or foster of a child in state custody and under the age of 18 or a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for Paid Parental Leave.

**Eligible State Employee:** An employee occupying any percentage of a full-time equivalent (FTE) position as of the date of the qualifying event. Employees in temporary, temporary grant, time-limited, research grant and all other non-FTE positions are not eligible for PPL.

**Paid Parental Leave (PPL):** Six weeks of paid leave at 100% of the eligible state employee's base pay or two weeks of paid leave at 100% of the eligible state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

**Parent/Co-Parent:** The person listed as a legal parent in the applicable required documentation (birth certificate, adoption order, etc.) or the foster parent of a child.

**Qualifying Event:** The birth of a newborn biological child to an eligible state employee or after a co-parent's birth of a newborn child or fostering a child in state custody or the initial legal placement of a child by adoption. To qualify for PPL, the adoption, birth or foster care placement must occur on or after October 1, 2022.

### III. ELIGIBILITY

To be eligible for PPL the employee must occupy all or part of an FTE position. Employees in temporary, temporary grant, time-limited, research grant and all other non-FTE positions are not eligible for PPL. There is no service requirement to be eligible for PPL. Employees occupying all or part of an FTE position are immediately eligible for PPL.

Eligibility determinations are made as of the date of the qualifying event. If an employee does not meet all eligibility requirements as of the date of the birth, adoption, or foster care they are not eligible for PPL even if they later meet the eligibility requirements.

**To qualify for PPL, the adoption, birth, or foster care placement must occur on or after October 1, 2022.**

An eligible state employee shall receive no more than one occurrence of six or two weeks of PPL for any twelve-month period, even if more than one qualifying event occurs.

Regardless of the qualifying event (adoption, birth or foster care placement), the entitlement to PPL expires at the end of the twelve-month period beginning on the date of the qualifying event. If the leave is not used by the eligible state employee before the end of the twelve-month period after the birth, adoption or foster placement, the leave does not accumulate for subsequent use.

Any leave remaining at the end of the twelve-month period following the qualifying event or at separation of employment is forfeited and the employee is not paid out for the leave. PPL may not be donated.

#### **IV. LEAVE AMOUNT**

The amount of PPL available depends on the qualifying event (adoption, birth, or foster care placement) and the relationship of the state employee to the child. Employees occupying all or part of a full-time equivalent (FTE) position are eligible for PPL as described below:

##### **A. Adoption:**

1. Employees occupying all or part of a full-time equivalent (FTE) position and who are primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 on or after October 1, 2022, are entitled to six weeks of PPL.
2. Employees occupying all or part of an FTE position and who are not primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 on or after October 1, 2022, are entitled to two weeks of PPL.
3. Only one Eligible State Employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.

##### **B. Birth:**

1. Employees occupying all or part of an FTE position and who give birth to a child on or after October 1, 2022, are entitled to six weeks of PPL.
2. Employees occupying all or part of an FTE position and whose co-parent gives birth to a child are entitled to receive two weeks of PPL.

##### **C. Foster Care:**

1. Employees occupying all or part of an FTE position and who foster a child under the age of 18 in state custody are entitled to receive two weeks of PPL.

#### **V. PAID PARENTAL LEAVE USAGE**

Employees do not have to exhaust all other forms of leave, such as sick or annual leave, before being eligible to take PPL.

If both parents are eligible state employees, PPL may be taken concurrently, consecutively, or at a different time than the other eligible state employee. No child may have more than two parents eligible for PPL.

If an employee requires leave before the birth, adoption or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized per the agency's leave policy. PPL may not be used before the qualifying event.

Legal holidays are not counted against PPL.

PPL is paid at 100% of the eligible state employee's base pay. This does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay or market or geographic differential pay.

##### **A. Adoption and Birth:**

1. Leave taken for an adoption or birth must be taken consecutively. Therefore, once leave commences, the employee must continue leave until the leave is exhausted or they choose to return to work. Any leave remaining when the employee returns to work is forfeited.

##### **B. Foster Care:**

1. Leave for foster care placement may be taken consecutively or upon request and approval in two, one-week, increments. The employee is not permitted to take leave in increments smaller than one week.

An eligible state employee shall receive no more than one occurrence of six or two weeks of PPL for any twelve-month period, even if more than one qualifying event occurs. An eligible state employee may, however, be able to use PPL for two qualifying events that occur within the same twelve-month period so long as the start date of the second period of PPL is at least 12 months from the end date of the first period of PPL.

#### **VI. PAID PARENTAL LEAVE AND FMLA LEAVE**

PPL must run concurrently with leave taken pursuant to the Family Medical and Leave Act (FMLA) and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event.

However, an eligible state employee shall be eligible for PPL even if the employee has exhausted their FMLA leave, or is

not eligible for FMLA coverage, at the time of the qualifying event.

If an employee becomes eligible for FMLA leave while on PPL, the employee must use FMLA leave, and the PPL runs concurrently with FMLA leave.

## VII. PAYMENT WHILE USING PAID PARENTAL LEAVE AND ACCRUAL OF OTHER TYPES

The hours of PPL are calculated based on the employee's average workday.

Eligible state employees shall accrue annual and sick leave at the normal rate and receive holiday pay while on PPL, if applicable.

## VIII. REQUESTING PAID PARENTAL LEAVE

Employees must complete and sign the PPL Request Form.

Request to use PPL should be submitted at least 30 days prior to start of PPL. If 30 days' notice is not possible, an employee is required to provide notice as soon as possible.

An employee may withdraw their request for PPL at any time prior to the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the request must be submitted in writing.

Upon receiving a request for PPL and documentation following the birth or placement of a child, the agency will notify the employee of their eligibility status within five business days or as soon as is practical.

## IX. REQUIRED DOCUMENTATION

The documentation required for PPL is provided in the table below. The employee is required to supply only one form of documentation and may choose which documentation to provide based on the applicable qualifying event.

QUALIFYING EVENT	REQUIRED DOCUMENTATION (EMPLOYEE SELECTS ONE)
Adoption	<ul style="list-style-type: none"><li>• Adoption order and/or agreement confirming the initial date of placement.</li></ul>
Birth	<ul style="list-style-type: none"><li>• Birth Certificate or Proof of Birth</li><li>• Certified DNA Results</li><li>• Custody Order</li></ul>
Foster Placement	<ul style="list-style-type: none"><li>• Foster Care Placement Agreement</li><li>• Custody Order</li></ul>

Employees must submit the requested required documentation to receive PPL within 30 days of the start of PPL or as soon as is practical after the documentation becomes available. Employees may be permitted to begin PPL following the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within 30 days of the start of PPL, or as soon as is practical after the documentation becomes available, the employee will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on Leave Without Pay for the period they were absent from work. Please note the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

All documents must include the date of the qualifying event and reflect that the employee is a parent of the child.