



Policy Manual Modification

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Approved:

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Date

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9.20.2024
Date

Policy Update: 6.10A(D) FMLA Length of Leave; 6.10A(E) FMLA Substituting Paid Leave; 6.11 Parental Leave

Effective Date: January 1, 2025

Expiration Date: Indefinite

D. Length of Leave

01/01/2025

FMLA provides up to 12 weeks of leave per 12-month period for eligible employees with valid medical or family reasons for leave. The City of Harrisonburg calculates the 12-month period as a “rolling” 12-month period measured backward from the date the employee takes FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

[Removes provision that if both spouses work for the City, leave for both employees combined may be limited to 12 weeks per 12 month period.]

FMLA leave entitlement for birth, adoption or foster care placement expires 12 months after the date of placement of the child.

Total FMLA leave allotment is determined based on a “normal” workweek. Employees normally working 40 hours per week have 480 available hours. Part-time employees’ leave allotment is determined on a pro-rated basis.

The employee shall take leave in one unbroken time period, unless intermittent leave is agreed to by both the employee and supervisor/Department Director, or unless it is required for medical treatment (such as therapy sessions or doctor’s visits). If periodic leave or a reduced work schedule is required for medical reasons, the City/Department may temporarily transfer the employee to a position that more easily allows periodic absences or reduced hours.

E. Substituting Paid Leave

01/01/2025

Where an employee takes approved FMLA leave, the employee shall use accrued leave concurrently with FMLA leave provided the employee is eligible for both paid leave and FMLA and that the employee has actually accrued paid leave as FMLA commences. Substituting paid leave for unpaid leave does not extend the 12-week period for the employee. The following leave types will be used in accordance with the applicable eligibility requirements within this policy. *[Removes order that an employee must utilize leave types in the case of an eligible FMLA situation.]*

- Short-term disability
- Parental leave
- Compensatory time, including holiday compensatory time
- Sick leave (personal)
- Sick leave (family)
- Vacation leave
- Paid Time Off (PTO)

Once eligible leave types are exhausted, the employee enters a Leave Without Pay (LWOP) status.

An employee will not be allowed to use personal sick leave for the care of a family member. For employees hired after 1/1/14, Paid Time Off shall run concurrently with FMLA leave.

Where an employee is receiving workers' compensation or disability benefits at one hundred percent income replacement while out on FMLA leave, other paid leave shall *not* be substituted. However, the City offers the ability for employees to use sufficient leave to cover expenses related to employee payment of insurance premiums and other required deductions.

6.11 PARENTAL LEAVE

01/01/2025

[This is a new section of the Benefits-Leave Related Policy.]

In its commitment to healthy families, the City will provide up to eight (8) workweeks per year (rolling twelve-month period) of paid parental leave to eligible employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. Each week of paid parental leave is compensated at one hundred percent of the employee's regular, straight time weekly pay in their applicable hours (e.g., 40 hours per week, 53 hours per week, 30 hours per week, etc.) and is outlined in hours as follows:

- Full-Time, Regular Personnel (2080 hours per year) – 320 hours of parental leave
- Full-Time Fire Suppression Personnel (2756 hours per year) – 424 hours of parental leave
- Full-Time School Bus Driver and School Bus Aide Personnel (30 hours per week) – 240 hours of parental leave
- Part-Time, Regular Personnel (Average weekly hours determined utilizing a six-month look-back period of regular, non-overtime, worked hours from date of event).

Parental leave is leave for an employee (birthing or non-birthing) to care for and bond with a newborn, newly adopted, or newly placed child aged 17 or younger; limited to one occurrence per child. The adoption of a new spouse's child is excluded from this policy.

A. Eligibility - Employees who become parents via birth, adoption, or foster care and meet the following criteria will be eligible for parental leave. Eligibility determinations are made as of the date that the child is born or placed via adoption or foster care.

- 1) Meet the following eligibility criteria for leave as described below:
 - a. Shall have been employed with the City for at least six consecutive (6) months, and;
 - b. Have been paid and/or worked at least 500 regular, non-overtime hours during the six (6) consecutive months immediately preceding the date the leave would begin, and;
 - c. Be a regular full-time or regular part-time employee.
- 2) If both parents work for the City and meet the eligibility criteria, each is entitled to up to eight (8) weeks of parental leave.

B. Leave Criteria

- 1) Parental leave shall be used within six (6) months of the birth or placement of a child.
- 2) Eligible employees may use parental leave for one continuous period of time or utilize the leave intermittently. Intermittent leave shall be subject to approval by the Department Director or their designee.
- 3) Parental leave may be used to supplement short-term disability paid leave benefits (up to regular weekly work hours) following the birth of a child and/or may be accessed to supplement short-term disability during or after the short-term disability benefits related to birth cease.
- 4) Parental leave may be used to supplement sick leave (up to regular weekly work hours) for the time that the employee is disabled as a result of a birth of a child with applicable medical documentation and after the period of disability related to birth ceases.
- 5) The number of children born, adopted, or placed during a single event does not increase the leave allowance of eight (8) weeks in a twelve-month period.
- 6) Parental leave may be utilized only once during a twelve-month period, with the exception of a stillborn birth.
- 7) Unused parental leave is forfeited six (6) months from the date of the birth/placement.

- 8) Unused parental leave is not compensable if an employee separates from employment.
- 9) Parental leave terminates at the conclusion of a foster care placement or within six (6) months of the placement, whichever comes first.
- 10) If a City holiday closure, administrative closure, or bereavement leave event occurs while an employee is on parental leave, that day will be paid as a holiday, administrative day, or bereavement leave accordingly.
- 11) Paid parental leave shall run concurrently with FMLA. After the paid parental leave (and eligible short-term disability leave/sick leave for employees giving birth) is exhausted, the balance of FMLA eligibility (if applicable) will be compensated through employees' eligible paid leave accrual balance(s).
- 12) If parental leave is still available, an employee cannot go in a leave without pay status.
- 13) In the unfortunate event of a stillborn birth, the birthing parent is eligible for one (1) week of continuous paid parental leave that supplements the use of short-term disability/sick leave with applicable medical documentation. The non-birthing parent is eligible for one (1) week of continuous paid parental leave. A stillbirth is defined as a loss at or after 20 weeks of pregnancy, according to the CDC. Bereavement leave is not granted in addition to the amount of leave provided herein.

C. Request for Paid Parental Leave

- 1) The employee will provide their supervisor and the Human Resources Department with notice of the request for leave at least sixty (60) calendar days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible).
- 2) The employee shall provide all documentation as required by Human Resources.