

# State Human Resources Policy #E24-104.04

## Paid Parental Leave

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **DEFINITIONS**

Agency – The South Carolina Military Department/Office of the Adjutant General.

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

Eligible State Employee – A State employee occupying any percentage of a Full-Time Equivalent position.

Full-Time Equivalent - A numerical value expressing a percentage of time in hours and of funds related to a particular position authorized by the General Assembly.

Paid Parental Leave - Six (6) weeks of paid leave at 100% of the eligible State Full-Time Equivalent employee's Base Pay or two (2) weeks of paid leave at 100% of the eligible State employee's Base Bay. Leave for part-time eligible State Full-Time Equivalent 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.

### **FORMS**

All forms noted for use in accordance with this Policy may be found at <https://scmd.sc.gov/state-operations/forms> under the "Leave and Attendance" Section.

### **POLICY**

1. Effective 01 October 2022, The South Carolina Military Department will provide six (6) weeks or two (2) weeks of Paid Parental Leave to Eligible State Employee during the 12-month period following the date of the occurrence of a Qualifying Event.
2. Employees in Temporary, Temporary Grant, Time-Limited and all other non-Full-Time Equivalent (FTE) positions are not eligible for Paid Parental Leave (PPL).
3. The Chief of Staff for State Operations or his designee is the approval authority for PPL requests.

#### 4. Eligibility

a. All Eligible State Employees who have a Qualifying Event are eligible for PPL regardless of length of employment.

b. The Eligible State Employees must meet all eligibility requirements at the time of the Qualifying Event to be eligible for PPL. If the FTE State 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.

c. Eligible State Employees on paid Short Term Military Leave are eligible for PPL. However, Eligible State Employees may not take both paid Short Term Military Leave and PPL at the same time.

d. Eligible State Employees do not have to exhaust all other forms of leave (e.g., Sick Leave, Annual Leave, etc.) before being eligible to take PPL.

5. Paid Parental Leave Authorized Amounts/Days. The amount of PPL available depends on the Qualifying Event, and the relationship of the Eligible State Employee to the child.

##### a. Adoption

(1) Eligible State Employees who are primarily responsible for furnishing the care and nurture of their child, under the age of 18, initially placed for legal adoption are entitled to six (6) weeks of PPL.

(2) Eligible State Employees who are not primarily responsible for furnishing the care and nurture of their child, under the age of 18, initially placed for legal adoption are entitled to two (2) weeks of PPL.

(3) Only one Eligible State Employee may be designated as the parent primarily responsible for furnishing the care and nurture of their child.

##### b. Birth

(1) Eligible State Employees who give birth to a biological newborn child are entitled to six (6) weeks of PPL.

(2) Eligible State Employees who's Co-Parent gives birth to a biological newborn child are entitled to receive (2) two weeks of PPL.

c. Foster Care. Eligible State Employees who foster a child under the age of 18 in State custody are entitled to receive two (2) weeks of PPL.

#### 6. Use of Paid Parental Leave

a. Eligible State Employees may not begin the use of PPL before the Qualifying Event.

b. Eligible State Employees may take their PPL at any point in the 12 months following the date of the Qualifying Event.

c. Eligible State Employees are authorized no more than one (1) occurrence of PPL for any 12-month period, even if more than one qualifying event occurs during the 12-month period. An c. Eligible State Employees use PPL for two qualifying events that occur within the same 12-month period so long as the start date of the second PPL period is at least 12 months from the end date of the first period of PPL.

d. Regardless of the Qualifying Event, the entitlement to PPL expires at the end of the 12-month period beginning on the date of the Qualifying Event. Eligible State Employees who do not use their PPL

before the end of the 12-month period following the Qualifying Event cannot carry the unused PPL forward for subsequent use, and will forfeit any unused PPL.

e. State Holidays and non-scheduled work days (based on the employees published work schedule) do not count against the PPL.

f. If both parents are Eligible State Employees, the parents may take the PPL concurrently, consecutively, or at a different time than the other Eligible State Employee.

g. Adoption and Birth

(1) Eligible State Employees who are authorized PPL for an adoption or birth must take the PPL consecutively.

(2) Once PPL commences, the Employee must continue PPL until the leave is exhausted or they choose to return to work. Any PPL remaining when the Employee returns to work is forfeited.

h. Foster Care

(1) Eligible State Employees who are authorized PPL for foster care placement may take the PPL consecutively or, upon request and approval, in two (2) one-week increments.

(2) The Eligible State Employees is not authorized to take PPL in increments smaller than one (1) week.

(3) Once PPL commences in the requested increment, the Employee must continue PPL until the requested incremental leave is exhausted or they choose to return to work. Any PPL remaining when the Employee returns to work is forfeited.

7. Pay While Using Paid Parental Leave

a. PPL is paid at 100% of the Eligible State Employee's Base Pay.

b. The calculation of the amount of pay for PPL does not include any additional pay (e.g., overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, market or geographic differential pay, etc.).

c. All additional pay will end for the period of the PPL.

8. Limitations

a. No child may have more than two parents eligible for PPL.

b. Employees will not be paid for unused PPL.

c. Employees cannot donate PPL.

d. Employees who move from a FTE position to a non-FTE position, separate from State employment, or have a break in service will immediately forfeit any remaining, unused PPL.

e. Eligible State Employees may not work and receive pay for PPL for the same time/period.

f. Eligible State Employees on a Long-Term Military Leave of Absence are not be eligible for PPL.

g. Eligible State Employees suspended pending an investigation or for disciplinary reasons may not substitute any type of paid leave, including PPL, for the time they are suspended.

9. Paid Parental Leave and FMLA Leave

a. PPL must run concurrently with FMLA leave and any other unpaid leave to which the Eligible State Employee may be entitled because of the Qualifying Event.

b. If an Eligible State Employee becomes eligible for FMLA while on PPL, the employee must use FMLA leave and the PPL will run concurrently with FMLA leave.

c. Sick Leave and PPL will run concurrently with FMLA leave but the employee may decide which Leave to use first. The employee may only use Sick Leave for the period they are medically unable to work or for Family Sick Leave if the leave qualifies. However, once the PPL begins, the employee must continue with PPL until the PPL is exhausted.

d. An Eligible State Employee on FMLA leave may not use Leave Without Pay if PPL is available.

10. Employees that misuse PPL, or misrepresent or falsify information pertaining to PPL, may be subject to the Agency's Progressive Discipline Policy up to and including termination.

**Notice: Under certain circumstances, the employee may be entitled to additional use of leave as prescribed by the Family and Medical Leave Act (FMLA). The Agency State Human Resources Officer (State HRO) will review all documentation submitted with the Paid Parental Leave request to determine eligibility and possible qualification within the FMLA.**

**PROCEDURE**

1. The requesting Eligible State Employee will submit a Paid Parental Leave Request Form, through their Department Head/Program Manager, to the State HRO Leave Coordinator at *timeandleave@scmd.sc.gov* at least 30 days prior to the start date of the PPL. If 30 days' notice is not possible, the employee will provide the request as soon as practicable.

2. The State HRO Leave Coordinator will coordinate with the State HRO who will review the request, provide a recommendation to the Approval Authority

3. The State HRO will provide a tentative approval/disapproval to the requesting employee within 5 days of receipt of the Request.

4. Upon the occurrence of the Qualifying Event, the employee will contact the State HRO Leave Coordinator or the State HRO directly to verify the date of the Qualifying Event and the start date of the PPL. The employee will also notify their Supervisor and/or Department Head/Program Manager. The Employee may be permitted to begin PPL following a Qualifying Event pending receipt of the supporting documentation.

5. Within thirty (30) days of the Qualifying Event, or as soon as is practical after the documentation becomes available, the Employee will submit the following required supporting documentation to the State HRO Leave Coordinator or the State HRO. 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>

a. The Agency will treat the supporting documents as medical information, and will not include the documents in the employee's Personnel File.

b. Since these documents are treated as medical information, the requesting employee will submit the supporting documents directly to the State HRO Leave Coordinator or the State HRO, not through their Supervisory Chain/Department Head/Program Manager.

c. All supporting documents must include the date of the Qualifying Event and reflect that the employee is a legal parent of the child.

d. The State HRO will review the original request with the supporting documentation, provide a recommendation to the Approval Authority, and provide a final approval/disapproval to the employee within 5 days of receipt of the supporting documentation.

e. If the required documentation is not provided within thirty (30) days of the Qualifying Event or the submitted documentation does not provide the required information to validate the use of PPL, 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.

6. An employee may withdraw their request for PPL at any time prior to the start of the PPL. The request to withdraw the request must be submitted in writing through their Department Head/Program Manager to the State HRO.

7. If the circumstances change during the course of the approved PPL, the employee is responsible for promptly notifying and providing updated documentation to the State HRO to have their PPL status reevaluated or adjusted.