

## **Parental Leave / Parental Leave Absence - Frequently Asked Questions**

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**1) Is the Parental Leave policy posted on the Department of Budget and Management (DBM) website applicable to all Maryland State employees?**

No. The Parental Leave policy, as well as the Parental Leave / Parental Leave Absence - Frequently Asked Questions, and the Parental Leave Request Form apply specifically to employees in agencies within the State Personnel Management System (SPMS). Employees in other personnel systems should seek guidance from the human resources representative at the agency where employed.

**2) What is Parental Leave?**

Parental Leave is paid leave granted to a Primary Caregiver to care for and nurture the employee's child within 6 months following the birth or adoption by the employee of a child less than 6 years of age.

**3) What is a Parental Leave Absence?**

A Parental Leave Absence is an approved absence for an employee who is a Primary Caregiver for up to 60 days for the purpose of caring for and nurturing of the employee's child within 6 months following the birth of the child or adoption by the employee of a child under 6 years of age.

**4) What is a Primary Caregiver?**

A Primary Caregiver is an employee who is primarily responsible for the care and nurturing of the employee's child who is 6 months of age or younger, or, who is primarily responsible for the care and nurturing of the employee's adopted child under 6 years of age.

**5) If both parents are State employees, can they both use Parental Leave?**

State employees who jointly are responsible for the care and nurturing of a child each may be eligible to receive up to 60 days of Parental Leave, but they may not be determined to be the child's Primary Caregiver during the same period of time.

**6) Does an employee need to be a member of the Leave Bank in order to be eligible for Parental Leave?**

No. Parental Leave is a separate leave option. An employee does not need to be a member of the Leave Bank in order to be eligible for Parental Leave; however, if an employee elects to use leave granted from the Leave Bank, the employee's 60 day entitlement will be offset by the leave granted from the Leave Bank.

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**7) Can an employee use Parental Leave pending approval from their Appointing Authority?**

No, an employee may not use Parental Leave until it is approved by the Agency's Appointing Authority.

**8) How long does it take to get a determination concerning a Parental Leave request?**

The agency's Appointing Authority must render a decision on a request for Parental Leave within 5 working days of receiving the request.

**9) Can an employee use up to 30 days of sick leave in accordance with the State Personnel and Pensions Article (SPP) 9-505 prior to using Parental Leave?**

Yes, an employee who meets the criteria set forth in SPP 9-505 may use their available sick leave prior to using up to 60 days of Parental Leave.

**10) Does an employee need to use available annual and personal leave prior to being eligible for Parental Leave?**

Yes, and employee must exhaust any available annual and personal leave prior to being eligible for Parental Leave.

**11) Does an employee need to repay the State for Parental Leave?**

No, Parental Leave is an allotted form of leave that does not need to be repaid to the State.

**12) If an employee gave birth or adopted a child prior to October 1, 2018, would the employee be eligible to apply for Parental Leave on or after October 1, 2018?**

Yes. If an employee gave birth or adopted a child prior to October 1, 2018 (the effective date of the new Parental Leave), the employee is eligible to request leave on or after October 1, 2018, regardless of the amount of leave used prior to October 1, 2018, provided the leave will be used within 6 months of the birth or adoption, and the adopted child is under 6 years of age.

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### **13) If an employee has available leave, can the employee apply for Parental Leave?**

Employees are required to exhaust any available annual or personal leave prior to being granted Parental Leave. If the employee has less than 60 days of annual and personal leave combined, the employee is eligible for additional paid Parental Leave to attain the 60 days of Parental Leave. If the employee has 60 days or more of annual or personal leave (combined), the employee is not entitled to additional Parental Leave.

### **14) Can an employee use Parental Leave at any time?**

No, Parental Leave must be used within 6 months of the birth or adoption of the employee's child.

### **15) Can Parental Leave be used on an intermittent basis?**

Yes. Parental Leave can be used for a continuous period, or it may be used intermittently, as long as it is used within 6 months of the birth or adoption of the employee's child.

### **16) If while on a Parental Leave Absence, an adopted child turns 6 years of age, can the employee continue to use Parental Leave if it is still within 6 months of the adoption?**

No, the employee is only eligible to use Parental Leave for a new born 6 months or younger, or for an adopted child under 6 years of age.

### **17) Does an employee earn leave while on Parental Leave?**

Yes, since Parental Leave is a paid form of leave, employees will continue to accrue leave while on Parental Leave.

### **18) Is Parental Leave paid or unpaid?**

Parental Leave is a paid form of allotted leave granted to eligible employees.

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### **19) Does an employee need to use their Family and Medical Leave Act (FMLA) entitlement while on a Parental Leave Absence?**

Yes. A Parental Leave Absence will run concurrently with an employee's FMLA entitlement, if applicable, even if the employee does not submit the Parental Leave Request Form.

### **20) Do employees on a compressed work schedule get 60 days of leave based on their normal work schedule?**

No. The 60 days of Parental Leave is based on a regular 8 hour day. Full-time employees are eligible for up to 480 hours of Parental Leave. Employees who work a compressed work schedule are not afforded a greater leave benefit than other employees working a regular schedule.

### **21) Is there a maximum amount of Parental Leave allowed during an employee's State career?**

No. As long as the criteria for the use of Parental Leave is met, there is no limit during an employee's State career.

### **22) Can Parental Leave be denied?**

Yes. Parental Leave may be denied for the following reasons:

- if the eligibility criteria is not met;
- if proper supporting documentation is not submitted;
- if the employee has a combination of 60 or more annual and personal leave days; or,
- if the time period requested by the employee poses a significant operational disruption as determined by the employee's Appointing Authority. In this situation, the Appointing Authority may delay the start of the Parental Leave Absence, as long as the delay does not deprive the employee of the full 60 day Parental Leave Absence.

### **23) If a Parental Leave Absence is requested intermittently, does the employee need to provide the supervisor with advanced notice of the leave usage?**

Yes. Employees who are taking a Parental Leave Absence on an intermittent basis must provide their supervisor with a schedule of their requested leave days in advance of the usage.

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### **24) Can an employee use sick leave in lieu of requesting Parental Leave?**

Yes, an employee may use available sick leave in lieu of Parental Leave, but only within the first 30 days after birth or adoption, or, when sufficient medical certification is submitted to support the absence.

### **25) If an employee's Parental Leave Absence rolls over into a new calendar year, will the new allotment of personal leave need to be used prior to the use of Parental Leave?**

Yes. All annual and personal leave must be used each pay period, prior to using Parental Leave. The total Parental Leave Absence may not exceed 60 days of combined leave (parental, annual, personal, and any other available leave the employee uses for the birth or adoption of a child) within the 6 month period.

### **26) Can an employee stay off beyond 60 days for a Parental Leave Absence?**

A Parental Leave Absence may not exceed 60 days; however, if an employee wishes to stay out longer than the 60 days, the employee must request leave or leave without pay in accordance with their agency's established leave request procedures. The additional time period request is subject to review and may be denied.

### **27) What is the definition of "days" in the Parental Leave policy?**

In the Parental Leave policy, "days" are the employee's regular scheduled work days, including holidays that occur on scheduled work days, and other paid leave used during the parental leave absence. A "day" of Parental Leave may not exceed 8 hours, even if an employee normally works more than 8 hours in a day.

### **28) Beginning on or after October 1, 2018, can an employee use their FMLA entitlement prior to requesting Parental Leave or a Parental Leave Absence?**

Beginning on or after October 1, 2018, any leave used under the Family and Medical Leave Act (FMLA) after the birth or adoption of a child will run concurrent with a Parental Leave Absence. If an employee elects to first use up to 30 days of their accrued sick leave as set forth in SPP 9-505 prior to the effective date of the Parental Leave Absence, this sick leave also will be designated as FMLA.

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### **29) How much notice does an employee need to provide when requesting Parental Leave or a Parental Leave Absence?**

Ideally, employees should request the leave 30 days in advance, when feasible, but also must follow-up with the required supporting documentation reflecting the date of birth. A Parental Leave Absence that was approved prior to the birth or adoption will be rescinded if the required documentation is not submitted to the agency's appointing authority within 5 days of the birth or adoption.

### **30) Does the employee's human resources representative need to process a "leave of absence" event in Workday when an employee uses Parental Leave?**

No, a "leave of absence" event is not required if an employee uses Parental Leave; however, if the employee is eligible for FMLA, a leave event is required to designate the absence as FMLA. As a reminder, FMLA and Parental Leave run concurrently.

### **31) Can an employee use Parental Leave if they obtain temporary legal custody of a child under 6 years of age?**

No. Parental Leave is only granted for the birth or adoption of a child under 6 years of age.

### **32) Where is the first point of contact for an employee who wishes to apply for Parental Leave?**

Employees should submit their Parental Leave Request Form to their HR office for processing.

### **33) Does an employee need to be eligible for FMLA in order to be eligible for Parental Leave?**

No. An employee does not need to be eligible for FMLA in order to be eligible for Parental Leave; however, if an employee is eligible for Parental Leave, the leave will run concurrent with the FMLA entitlement.

### **34) Are new State employees eligible for Parental Leave immediately or is there a waiting period?**

There is no waiting period for employees in order to be eligible for Parental Leave, as long as the employee meets the criteria specified in the policy.

**For additional information, please contact the Department of Budget and Management's Office of Personnel Services and Benefits – Personnel Services Division at 410-767-4718.**