

PERSONNEL SERVICES BULLETINS (PSBs)

420-5

Subject: Paid Parental Leave for Managers and Original Jurisdiction Employees

Source: Mayor's Personnel Order 2016/1

Date: January 11, 2016

I. INTRODUCTION

As per MPO 2016/1, effective December 22, 2015, employees in eligible titles who are in active status shall, in addition to all other leave benefits currently received, receive up to 30 work days of Paid Parental Leave ("PPL") once per rolling 12 month period at 100% of regular salary. Paid Parental Leave is defined as leave for the birth of a child to an eligible employee (biological parent) or the placement of a child with an eligible employee for adoption or foster care (each of which is a "qualifying event") and excludes other types of family leave.

If a qualifying event occurred between November 9, 2015 and December 21, 2015 (inclusive), during the 60 work days immediately following the qualifying event, eligible employees are entitled to use 30 work days of Paid Parental Leave minus the number of work days from the qualifying event to December 22, 2015.

II. DEFINITIONS

"Child(ren)" means a biological, adopted or foster child of the eligible employee. For the purposes of Paid Parental Leave, a child must be under the age of 18.

"Eligible employee" means an employee who is covered by the Pay Plan for Management Employees and Original Jurisdiction Employees. Ineligible titles are those not covered by MPO 2015/1 or MPO 2015/2, and/or employees in titles that are not eligible to accrue leave balances.

"Parent" means the person identified on the child(ren)'s birth certificate, adoption certificate or certified copy of a foreign adoption order that has been registered in New York State, or certified copies of initial and continuing family court orders of foster care placement. If the child subject of a qualifying event is parented by, adopted by, or placed in foster care with two eligible employees, both employees may seek to use parental leave.

"Paid Parental Leave" is defined as leave for the birth of a child(ren) to an eligible employee or the placement of a child with an eligible employee for adoption or foster care and excludes other types of family leave.

"Qualifying event" means the birth of a child(ren), the formal adoption of child(ren) under the age of 18, or the placement of child(ren) under the age of 18 in foster care, that takes place on or after the effective dates noted in MPO 2016/1. Eligible employees are entitled to Paid Parental Leave for one qualifying event per child.

"One qualifying event per child" means in the cases of multiple births, all children are treated as one qualifying event. In the cases of multiple children being adopted or placed under foster care, all children being adopted or placed in foster care on the same day are treated as one qualifying event. In the cases of multiple qualifying events for the same child by the same employee, the eligible employee will be entitled to only one instance of PPL. For example, if the qualifying event is the placement of a child with an eligible employee for foster care, the eligible employee uses PPL during that qualifying event, and such placement subsequently becomes an adoption of that same child by the same employee, the adoption will not be considered a qualifying event, and the eligible employee will not be entitled to additional PPL for the adoption.

III. GENERAL PROVISIONS

1. The start date of an eligible employee's use of Paid Parental Leave is at her/his option, as long as no more than 30 work days are used and the period of usage extends no longer than 60 work days after the first day of usage. Any portion of the 30 work days not taken in this 60 work day period is forfeited. This leave can be used intermittently in units of at least one hour, but still must not extend beyond 60 workdays after the first usage. In no event may Paid Parental Leave be used later than 120 workdays after the qualifying event.
2. For part-time eligible employees, the 30 work days will be pro-rated based on their regular schedule.
3. Eligible employees may only use Paid Parental Leave once per rolling 12 month period, which is the 12 month period measured backward from the date the employee begins using Paid Parental Leave. Each additional qualifying event beyond the rolling 12 month period will result in a new 30 work day PPL entitlement.
4. An employee may use Paid Parental Leave without using accrued sick or annual leave. An employee will accrue annual and sick leave during the Paid Parental Leave period in accordance with the applicable leave regulations, provided, however, that the employee will not be credited with the annual and sick leave time accrued while on Paid Parental Leave until the employee returns from Paid Parental Leave or such other approved leave as shall continue after Paid Parental Leave. Eligible employees may use accrued leave, child care leave, and any other applicable leave benefits in accordance with existing rules and policies.
5. Eligible employees may use Paid Parental Leave immediately after hire, provided that the qualifying event occurs on or after the date they start working.

6. PPL shall run concurrently with leave provided pursuant to the Family and Medical Leave Act (“FMLA”), if the employee is eligible for FMLA leave.
7. If the Paid Parental Leave is interrupted or ceased as a result of the child(ren) no longer being under the care of the eligible employee, the eligible employee must immediately notify the Human Resources Department of his/her agency and end his/her PPL.
8. Employees who receive Paid Parental Leave, partially or in whole, must return to work for at least six months at the end of the period of Paid Parental Leave or any period of approved paid or unpaid child care or other leave that continues after the Paid Parental Leave. Any payments made for Paid Parental Leave to an employee who does not return to work must be returned to and are recoverable by the City.
9. An employee who returns from Paid Parental Leave must be restored to his or her previous position or to an equivalent position. An equivalent position is a position in the same civil service title which has the same pay, benefits, and working conditions (including the same worksite or a geographically proximate worksite). A geographically proximate worksite is one that does not involve a significant increase in commuting distance or time. If the employee is denied restoration or other benefits, the agency must be able to show that the employee would not have continued to be employed, or to have received the benefits, if the employee had been continuously employed during the leave period.

IV. PROCEDURES

Certification of Eligibility

1. When the Paid Parental Leave is foreseeable, an employee must give his/her Employer at least 30 calendar days advance notice before the leave begins. This requirement may be waived at the discretion of the agency head.
2. Eligible employees must provide timely documentation of the qualifying event, such as a birth certificate listing the eligible employee as a parent, a certified copy of an adoption order listing the eligible employee as a parent, a certified copy of a foreign adoption order that has been registered in New York State and lists the eligible employee as a parent, a certificate of adoption or adoption decree listing the eligible employee as a parent, or certified copies of initial and continuing family court orders of foster care placement naming the eligible employee as a foster parent. Such documentation must be provided within 15 calendar days from the Employer’s request, where practicable. The leave may be applied retroactively following receipt and verification of the documentation.
3. Eligible employees will be required to sign an acknowledgment that indicates they are seeking to use Paid Parental Leave for the birth of a child to the eligible employee (i.e., a biological child born into the care and custody of the employee), or the placement of a child with the eligible employee for adoption or foster care. Where the qualifying event

is the placement of a child with the eligible employee for adoption or foster care, the eligible employee will also have to certify that should the adoption or foster care placement cease during the PPL period, the employee will immediately notify the Employer. If a child ceases to remain in the employee's care during PPL, the employee shall notify the Employer and either return to work or apply to use other leave as appropriate.

Computation of Leave Entitlement

1. Due to differences in normally scheduled work days in a number of City agencies, the 30 work day entitlement for normally scheduled work days will be converted into an hourly bank against which charges will be made in units of one hour.
2. In order to make charges against the 30 work day entitlement, an hourly bank must be established by multiplying the 30 work days by the number of hours in the normally scheduled work day of each full-time employee. For part-time PPL eligible employees, the 30 workdays of PPL will be pro-rated based on their regular schedule.
3. Only those hours the employee is absent during the normal work day are to be charged against the hourly bank for purposes of computing the 30 work day entitlement.
4. If a qualifying event occurred between November 9, 2015 and December 21, 2015 (inclusive), eligible employees are entitled to use 30 work days of Paid Parental Leave during the 60 work days immediately following the qualifying event, minus the number of work days from the qualifying event to December 22, 2015. The following table may be used:

Date of Qualifying Event	Days of Paid Parental Leave
November 9, 2015	1
November 10, 2015	2
November 11, 2015	3
November 12, 2015	3
November 13, 2015	4
November 14, 2015	5
November 15, 2015	5
November 16, 2015	5
November 17, 2015	6
November 18, 2015	7
November 19, 2015	8
November 20, 2015	9
November 21, 2015	10
November 22, 2015	10
November 23, 2015	10
November 24, 2015	11
November 25, 2015	12
November 26, 2015	13
November 27, 2015	13
November 28, 2015	14
November 29, 2015	14
November 30, 2015	14

December 1, 2015	15
December 2, 2015	16
December 3, 2015	17
December 4, 2015	18
December 5, 2015	19
December 6, 2015	19
December 7, 2015	19
December 8, 2015	20
December 9, 2015	21
December 10, 2015	22
December 11, 2015	23
December 12, 2015	24
December 13, 2015	24
December 14, 2015	24
December 15, 2015	25
December 16, 2015	26
December 17, 2015	27
December 18, 2015	28
December 19, 2015	29
December 20, 2015	29
December 21, 2015	29
December 22, 2015 and thereafter	30

Attachment: [HC-0007 Request for Paid Parental Leave Form](#)

Stacey Cumberbatch
Commissioner