

TITLE: PARENTAL LEAVE

PERSONNEL
ADMINISTRATIVE

RESOLUTION
NO: 21-36

EFFECTIVE DATE: January 1, 2021
REVIEW DATE: January 5, 2021

TYPE:
POLICY X
PROCEDURE X

SUPERSEDES:
POLICY # 44
PROCEDURE #

I. SCOPE

It is the policy of The Lucas County Board of Commissioners to provide Paid Parental Leave to benefits-eligible employees, due to the birth of an employee's child or the placement within an employee's home of an adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, in cases where an employee is eligible for FMLA leave.

On a temporary basis, effective January 1, 2021 through December 31, 2021 (unless rescinded prior to that date by the Board or superseded by federal or state law), this policy is amended to provide some level of leave benefit to employees who have covered children whose school is fully or partially closed or has a requirement for remote learning, and/or whose child care provider is fully or partially closed or otherwise unavailable, specifically due to reasons caused by COVID-19. Refer to the specific section of this policy regarding leave due to COVID-19 for details.

II. PURPOSE

The purpose of the Paid Parental Leave policy is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations. This is critical because institutions are finding that a work culture that allows faculty and staff to balance the demands of the workplace with the demands of personal or family life is becoming increasingly important. As the workforce continues to change, flexibility and family-friendly workforce policies are essential. Such policies are critical for The Lucas County Board of Commissioners if it is to continue the path to preeminence, achieve the goals of diversity, and maintain competitiveness in the hiring of the brightest and the best employees.

This policy describes the circumstances in which Paid Parental Leave may be taken, notice provisions, medical certification requirements, coordination with other types of leave, reinstatement issues, and other matters related to Paid Parental Leave.

DEFINITIONS

Word	Definition
Eligible Employee	An employee who has completed 180 days of work for Lucas County and the birth or adoption takes place during their employment with Lucas County.

Family and Medical Leave Act or FMLA	The Family and Medical Leave Act of 1993, 29 U.S.C. § 2611 et. seq.
Parent	A male or female employee who is a birth mother; a father of the birth child; a same-sex domestic partner of the birth mother; a same-sex domestic partner of the birth father; an adoptive mother or father; a same-sex domestic partner of an adoptive mother or father.
Paid Parental Leave	A period of paid leave of absence (that does not reduce an Eligible Employee's balance of any other paid leave such as sick, vacation, or personal business days or personal holiday) for the purpose of recovery from the birth of a child; and/or, to bond with a newborn or with a newly-adopted child under the age of 18.

PROCEDURES

The Lucas County Board of Commissioners will provide Paid Parental Leave to an Eligible Employee during the first 12 weeks following birth or adoption.

Paid Parental Leave is a benefit of employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotions, and disciplinary actions, or under attendance policies.

Departments should be flexible in managing Paid Parental Leave requests to allow employees to handle career and family responsibilities effectively and efficiently.

Workload issues should be dealt with proactively so that excessive work demands are not placed on other staff.

Leave Provisions

Paid Parental Leave will be paid at 75 percent of an Eligible Employee's straight-time, regular pay (based on full-time equivalency) for the specified amount of time outlined in this policy. Eligible employees will be allowed to supplement the remaining 25 percent of their straight time/regular pay with available Paid Time Off hours.

The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Paid Parental Leave granted for that event.

An Eligible Employee who is the birth or adoptive parent of a newborn or newly adopted child may receive up to 480 hours of Paid Parental Leave for recovery from childbirth and/or to bond with the newborn or newly adopted child.

If both Parents are employed by The Lucas County Board of Commissioners, each Parent may receive up to 240 hours of Paid Parental Leave, with a total of 480 of paid leave hours under this policy inclusive of both employees for each birth/adoption.

All Paid Parental Leave described in this Policy shall be based on 100 percent full-time equivalency and shall be available for a 3-month period following birth of a child or following placement of a newly adopted child in the Eligible Employee's home. The Paid Parental Leave will generally commence immediately following the birth or adoption of a child. However, Paid Parental Leave may occur prior to an adoption when deemed necessary to fulfill the legal requirements for an adoption.

Intermittent and Reduced Leave

Paid Parental Leave may be taken during the first 12 weeks following the birth or adoption and is available on a continuous, intermittent (separate blocks of time), or reduced schedule (reduces number of work hours per day or per week) basis. However, intermittent or reduced schedule Paid Parental Leave requires supervisory approval. An Eligible Employee must consult with his or her supervisor and make a reasonable effort to schedule intermittent or reduced schedule Paid Parental Leave so as not to unduly disrupt the Department's operations. Intermittent or reduced schedule leave may not be taken in increments of less than one hour.

Concurrent with the FMLA Leave

Paid Parental Leave will run concurrently with FMLA leave, if the Eligible Employee meets the eligibility requirements of the FMLA. The concurrent use of Paid Parental Leave and FMLA leave will decrease, in whole or in part, the amount of FMLA leave available to an Eligible Employee.

Notice

An Eligible Employee shall, initially, verbally notify his or her supervisor of the need for Paid Parental Leave and the timing and duration of the Paid Parental Leave. If the need for Paid Parental Leave is foreseeable, an Eligible Employee must give his or her supervisor at least 30 calendar days advance notice of the need for leave, if practicable. If the need for Paid Parental Leave is not foreseeable, an Eligible Employee or his or her representative must give notice of the need for leave to the Eligible Employee's supervisor as soon as practicable. An Eligible Employee shall follow up the verbal request for Paid Parental Leave in writing. If the Eligible Employee is eligible for FMLA leave, the FMLA notice requirements will govern. If the Eligible Employee is not eligible for FMLA leave, the Eligible Employee shall request Paid Parental Leave in writing. If the Eligible Employee is requesting intermittent or reduced schedule Paid Parental Leave, the Eligible Employee's supervisor must approve the request.

Holidays

If an official holiday occurs during the Eligible Employee's Paid Parental Leave, the Eligible Employee will receive holiday pay in lieu of a paid parental day, provided the Eligible Employee is in pay status the day before and the day after the official holiday.

Group Health Insurance

The county will continue to pay its share of the cost of an Eligible Employee's group health insurance during a Paid Parental Leave.

Medical Documentation

An Eligible Employee will be required to furnish appropriate medical documentation for the birth of a child. If the Eligible Employee is eligible for FMLA leave, the medical certification requirements will govern. The medical documentation will be completed and signed by the individual's health care provider.

Adoption Documentation

An Eligible Employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.

Return-to-Work Statement

If Paid Parental Leave is due to the birth of a child, the birth mother must obtain a return-to-work statement from her health care provider and present it to her supervisor or Human Resources upon returning to work. The statement must specify whether the Eligible Employee is able to work and any physical or other restrictions on the Eligible Employee's ability to work. Reinstatement may be delayed until the Eligible Employee submits the statement.

Reinstatement

Except as provided in the following paragraph, an Eligible Employee will be reinstated to the same position he or she held when Paid Parental Leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the Eligible Employee can perform the essential functions of the position.

The County's obligation to restore the Eligible Employee to the same or an equivalent position ceases if and when: 1) the employment relationship would have terminated if the Eligible Employee had not taken Paid Parental Leave; 2) the Eligible Employee informs the county of his or her intent not to return to work at the expiration of the Paid Parental Leave; or 3) the Eligible Employee fails to return to work at the expiration of the Paid Parental Leave.

Coordination of Paid Parental Leave with Other County Leaves

Paid Parental Leave may be used in conjunction with a variety of paid and unpaid leaves such as sick leave, vacation leave, personal or comp days, personal holiday, and short-term disability. An Eligible Employee should consult with Human Resources or with his or her supervisor for assistance when planning a Paid Parental Leave.

Confidentiality

All medical information relating to Paid Parental Leaves, whether verbal or written, including FMLA medical documentation, shall be kept confidential to the maximum extent possible. All medical

documents including, but not limited to, medical statements and FMLA medical certifications must be maintained within Human Resources in confidential, secure files separate from personnel files.

Departments are responsible for maintaining records of Parental Leave usage and employee balances in the HRIS system. Temporary employees are not eligible for Parental Leave under this policy.

Leave Due to School Closure and /or Child Care Provider Closure or Unavailability Due to Reasons Caused by COVID-19

Eligible employees may use up to twelve (12) weeks of parental leave due to the closure of a son or daughter's school or childcare provider, or a school requirement for remote learning, when such situations are caused by COVID-19 and the employee is unable to work (including telework/remote work) as a result of that closure or requirement for remote learning. This includes a son or daughter of the employee under the age of 18, or over the age of 18 if the son or daughter is incapable of self-care because of a mental or physical disability under the Americans with Disabilities Act. Son or daughter is also includes a step-child and is covered under documented cases of foster care, "in loco parentis" and legal guardianship.

For purposes of this use of parental leave, an eligible employee is one who has worked at least one (1) day under the appointing authority of the Board of Lucas County Commissioners.

This leave entitlement is reduced by the amount of expanded FMLA leave the employee has already taken in 2020 under such leave provided by the federal "Families First Coronavirus Response Act" (for example, if an employee has already used 6 weeks (240 hours) of expanded FMLA for COVID-related school or child care closure in 2020, then they have 6 weeks (240 hours) of parental leave remaining for this same purpose.

While on an approved parental leave for this specific COVID purpose, an employee will receive 2/3 of their regular pay, and may choose to supplement the remaining 1/3 by using their own accrued leave.

Where the need for leave under this policy is foreseeable, the employee shall notify her/his immediate supervisor as soon as practicable.

The employee must follow the reporting procedures set forth in the Board of Lucas County Commissioners' Sick Leave Policy, applicable collective bargaining agreement articles, and/or work rules.

An employee may request to take intermittent leave or reduced work schedule leave under this policy.

Requests for intermittent or reduced work schedule leave must be submitted in writing to the employee's immediate supervisor as soon as practicable. An employee's request for intermittent leave or reduced work schedule leave as well as the increments of time in which such leave may be taken is subject to management approval but shall not be denied for capricious reasons.

An employee requesting leave must provide the Board of Lucas County Commissioners with written documentation in support of the reason for this parental leave. Such documentation includes:

- a. The date(s) for which the leave is requested;
- b. The COVID-19 qualifying reason for leave;
- c. A statement representing the employee is unable to work or telework because of COVID-19 qualifying reason;
- d. The name(s) and age(s) of the son(s) or daughter(s) whose school or place of daycare is closed or whose childcare provider is unavailable;
- e. The name of the school, place of care, or childcare provider that closed or became unavailable, including supporting documentation such as notice of the closure published by the government, school, or daycare, or notice on a website or in the newspaper, or email from the school, place of daycare, or childcare provider;
- f. A statement that no other suitable person is available to care for the child during the period of requested leave.

An employee will not be disciplined, discharged, or retaliated against for taking leave under this policy. Falsification of the request for leave under this policy, including falsification of any supporting documents, can be grounds for disciplinary action.



Megan Vahey Casiere
County Administrator

January 5, 2021

Date: January 5, 2021

Resolution No. 21-36

Title: Temporary Amendments to the Parental Leave Policy (Policy #44) of the Board of Lucas County Commissioners

Department/Agency: Human Resources

Contact: Brian Cunningham

Summary/Background: The federal “Families First Coronavirus Response Act” provided up to 12 weeks of FMLA leave at 2/3 pay for the specific use of employees who needed leave due to school or child care provider closures and/or schools implementing remote learning as a direct result of COVID. That law expired on December 31, 2020 and Congress has to date not acted on an extension for 2021. While the law expired, COVID has not. Temporary amendments to our existing “Parental Leave” policy will provide employees with access to up to 12 weeks of “Parental Leave” for these continuing situations, with appropriate documentation and minus any expanded FMLA leave that had been taken in 2020, at 2/3 of their regular pay. We recommend that temporary extension of parental leave for these purposes be effective retroactive to January 1, 2021 and that they continue through December 31, 2021 unless rescinded earlier by the Board or superseded by future acts of Congress or the Ohio General Assembly.

Budget Impact: Employees are budgeted for the year at full pay & this leave would provide 2/3 pay; leave will not create any direct additional cost.

Statutory Authority/ORC: N/A

Commissioner Byers offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. The “Parental Leave” policy is hereby amended as described above and reflected in the attached amended policy.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

January 5, 2021

**Temporary Amendments to the Parental Leave Policy (Policy #44) of the Board of Lucas
County Commissioners**

Page 2

Action Taken:

Commissioner Byers voted yes

Commissioner Gerken voted yes

Commissioner Skeldon Wozniak voted yes



A handwritten signature in blue ink, appearing to read "Jody L. Balogh", is written over a horizontal line.

Jody L. Balogh, Clerk