

City of Montgomery Parental Leave Policy

1. PURPOSE

Effective July 1, 2024, it is the policy of the City of Montgomery to provide Paid Parental Leave (PLP) for non-seasonal, non-probationary, full-time employees of the City. This policy establishes guidelines and requirements for taking Paid Parental Leave and sets forth the processes involved with providing Paid Parental Leave to an employee unless superseded by a collective bargaining agreement. The City Manager may review and/or approve exceptional circumstances on a case-by-case basis when questions of eligibility arise.

2. DEFINITIONS

A. Child

A person under the age of 18 to whom the employee stands in loco parentis or a biological or legally sanctioned foster or adoptive relationship.

B. Eligible Employee(s)

Non-seasonal, non-probationary, full-time employee(s) of the City of Montgomery. Non-probationary refers to the employee's initial probationary period with the City and does not refer to a full-time employee in a probationary period due to a promotion or change in job position.

C. Foster Placement

The placement of a Child by a state or state-sanctioned agency with an individual who is not the Child's parent or legal guardian for an indeterminate amount of time.

D. Legal Guardianship Placement

A court-ordered relationship in which a person is assigned the responsibility and authority to provide physical care and supervision for a Child.

E. New Parental Event

Determined by the date of birth of a new child(ren), date of adoption of a new child(ren), date an employee accepts a child(ren) in foster care to their home, or date an employee accepts legal guardianship of a child(ren) in their home.

3. PAID PARENTAL LEAVE POLICY GUIDELINES PER QUALIFYING EVENT

Eligible employees of the City of Montgomery experiencing a New Parental Event (live birth, adoption, foster placement, or legal guardianship) shall receive up to twelve (12) consecutive weeks (480 hours) of Paid Parental Leave (PLP) at 100% of base pay immediately following eligible Parental Events. The twelve weeks may be divided between up to two (2) New Parental Events in a rolling twelve-month period, as defined under the Family Medical Leave Act (FMLA), but may not exceed 12 weeks in total.

Multiple births, adoptions, or foster or legal placements of child(ren), such as siblings, do not increase the length of PLP granted.

All paid leave under this policy runs concurrently with applicable FMLA leave. However, exhaustion of available leave under the FMLA does not preclude leave under this policy. For Fire Department employees on a 24/48 hour schedule, an adjustment to total paid parental leave hours will be made to meet the intent of the policy to provide up to 12 calendar weeks of leave at the employee's base rate of pay.

A. After the Birth of a Child(ren):

Following the birth of a child(ren) an eligible employee shall be entitled up to twelve (12) weeks (480 hours) of PLP at 100% of base pay no more than two (2) times in a rolling twelve (12) month period to run concurrently with any available FMLA leave for the purpose of bonding and care of a newborn.

B. After the Adoption of a Child(ren):

After the adoption of a child(ren), eligible employees are entitled up to twelve (12) weeks (480 hours) of PLP at 100% base pay no more than two (2) times in a rolling twelve (12) month period for the purposes of bonding. Multiple adoptions (for example, the adoption of siblings) does not increase the length of PLP granted. Adoption of a child(ren) through marriage is not eligible for PLP.

C. After Acceptance of a Child(ren) in Foster Care:

An eligible employee accepting a child in foster care to their home is entitled up to twelve (12) weeks (480 hours) of PLP at 100% base pay no more than two (2) times in a rolling twelve (12) month period for the purpose of bonding. The initial date of placement triggers the right to PLP. Multiple placements in a single qualifying event (for example, the acceptance of siblings) does not increase the length of PLP granted. The PLP entitlement (12 weeks of 100% base pay) can only be used once (1) for the same Child(ren) during the Employee's career with the City of Montgomery. In the event of foster placement interruptions (e.g., the child is removed from the home and returned to the home sometime later) the employee may use the unused balance of their entitled twelve (12) weeks of PLP as established from the initial placement date. PLP will only be provided for the period that the Child(ren) is placed in the employee's home.

To be eligible for PLP for foster placements, employees who may receive a foster placement with little notice must notify supervisors of the possibility of unexpected leave for the effective planning and continuation of City operations upon licensure.

D. Foster-to-Adopt

The initial date of legal placement triggers the right to PLP for the adoption. Paid Parental Leave can only be used once for the same Child(ren) associated with the qualifying New Parental Life Event, and the adoption of a foster child for whom leave was already taken does not increase the total amount of paid leave. Upon successful adoption of the foster child(ren), the employee is entitled to use their remaining PLP balance as granted under the acceptance of a Child(ren) in Foster Care but is not entitled to an additional twelve (12) weeks of leave under Adoption. Multiple adoptions (for example, the adoption of siblings) does not increase the length of PLP granted. PLP will only be provided for the period that the Child(ren) is placed in the employee's home.

E. Legal Guardianship:

An eligible employee assigned the responsibility and authority by a court of law to provide physical care and supervision for a Child(ren) is entitled up to twelve (12) weeks (480 hours) of PLP at 100% base pay no more than two (2) times in a rolling twelve (12) month period for the purpose of bonding. Parental Leave can be used only once for the same Child(ren). PLP will only be provided for the period that the Child(ren) is placed in the employee's home.

4. PREGNANCY ACCOMMODATIONS

City of Montgomery employees affected by a pregnancy, childbirth, or related medical conditions are entitled to the same rights as those with similar abilities or disabilities to work and are entitled to reasonable workplace accommodations if needed to perform the essential functions of their job.

5. BENEFITS DURING PARENTAL LEAVE

Employees remain eligible for all employer-paid and employer-provided benefits and will continue to accrue other forms of paid leave while on Parental Leave.

A. Health Insurance

Employees on Paid Parental Leave remain eligible for health insurance coverage.

B. Holiday Pay

An employee is eligible to receive holiday pay during parental leave under City policy congruent with all other policy and provisions in the applicable collective bargaining agreement(s). In no instance will the occurrence of a holiday during an employee's PLP justify an extension of any kind.

C. Overtime

Employee(s) are not eligible for any overtime while on parental leave. Overtime hours are not included when calculating the average number of hours worked in the preceding three months.

6. PROCESS

A. Notification, Request, and Approval

For the purpose of planning continued operations, employees who wish to take Paid Parental Leave should notify the Human Resources Manager (HR) at least 30 days prior to the expected leave start date, with the understanding that some events, such as live births, are unpredictable. Employees opting to participate in a Foster Parent Program, who could be subject to an emergency foster placement, should notify HR and their supervisor immediately upon program acceptance.

Once HR determines eligibility, the employee will complete a Parental Leave Request Form along with FMLA paperwork to be completed and returned to HR with the appropriate supporting documentation for the qualifying New Parental Event.

All verifying documentation is due no later than 30 days following the date of the qualifying event. If the employee fails to provide notice of the need for leave due to pregnancy, foster licensure, or pending adoption, the employee will not be eligible for Paid Parental Leave. If an employee fails to provide verification documentation within 30 days of the New Parental Event, the employee's Paid Parental Leave will be terminated.

Once all documentation has been returned to and reviewed by HR, approval or denial notification will be sent to the employee and the employee's department head. All Paid Parental Leave must be pre-planned and approved by the City Manager before use.

B. Options for Acceptable Forms and Documentation:

i) Adoption

- Court Documentation of adoption naming requesting employee(s).

ii) Foster Placement

- Foster Care papers that show the name of the person who was placed in foster care and the date of the placement. This needs to be signed by a government office or court official.
- Child support or other court order that shows the name(s) of the employee(s) accepting the placement and the name(s) of the child(ren) and the date of the order.
- Documentation from the state-sanctioned foster agency confirming completion of required training and screening.

iii) Legal Guardianship

- Court documentation of legal placement of the child(ren) in the custody of the employee(s).

iv) Live Birth

- FMLA form completed by employee's health care provider.
- Certificate of Birth listing employee requesting the leave as a parent or a copy of the Verification of Facts of Birth document from the discharging hospital.

v) Pre-adoption

- Declaration of Intent to Adopt
- Adoption Assessment Application
- Documentation from the agency processing the adoption

C. Denials of Paid for Parental Leave

Denial of Paid Parental Leave does not mean that an employee cannot take time off using other forms of leave such as accrued sick or vacation time. Employees may also use Leave Without Pay in accordance with City Policy or applicable collective bargaining agreement. This time may fall outside of the FMLA protections if the employee is not FMLA-eligible at the time of the New Parental Event.

7. FAMILY AND MEDICAL LEAVE ACT

Paid Parental Leave taken under this policy will run concurrently with leave under the FMLA; therefore, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth of a child or placement of a child due to adoption, the leave will be counted toward the 12 weeks of available FMLA leave. All other requirements and provisions under the FMLA will apply.

8. OUTSIDE WORK

Employees choosing to use Paid Parental Leave may **NOT** continue to perform work for an outside employer.

9. CONSEQUENCE OF FALSIFICATION/FAILURE TO FOLLOW THIS PROCEDURE

An employee who provides false or misleading information may be subject to discipline, up to and including termination. Any employee found to be holding any unapproved or unreported outside employment inconsistent with this policy during Paid Parental Leave may be subject to discipline up to and including termination. An employee who fails to submit the appropriate forms and/or documentation shall not qualify for Paid Parental Leave.

10. CONFLICT

Nothing in this policy shall be determined to conflict with the terms of any applicable collective bargaining agreements that are in effect.

10. DISCRIMINATION PROHIBITED

No employee shall be discriminated against for utilizing Paid Parental Leave. Harassment related to Paid Parental Leave will not be tolerated. Employees shall not be retaliated against for filing a complaint, whether orally or in writing, related to this policy.