



ADMINISTRATIVE PERSONNEL POLICIES AND PROCEDURES Policy No. 305: BIRTHING PARENT AND BONDING/NON-BIRTHING PARENT AND BONDING/ADOPTION LEAVE

A. Birthing Parent and Bonding Leave

1. A regular full-time or regular part-time employee who is pregnant may use a combination of different leaves, if necessary, during the course of a pregnancy and the birth of a child(ren). The various leaves, their uses and conditions, are as follows:
 - a. **Sick Leave** - Sick Leave may be used under the conditions set forth in Policy No. 301: Sick Leave. Unless supported by satisfactory medical evidence, sick leave for childbirth will not be available beyond six (6) weeks after the birth of the child(ren).
 - b. **Other Paid Leave** - Earned Vacation Leave, Personal Leave and EDOs may be used at any time during the course of the pregnancy, and/or following the birth of the child(ren), in accordance with Policy No. 302: Vacation Leave, and Policy No. 303: Holidays, Personal Leave and EDOs.
 - b. **Family and Medical Leave Act (FMLA)** – The FMLA provides that an employee may receive up to 12 weeks of leave for the birth or placement of a child(ren). This entitlement is reduced by any other FMLA leave taken during that 12 month (rolling) period and the entitlement expires 12 months after such birth or placement. If both parents are employed by the City, the total entitlement is 12 weeks leave for both parents, not 12 weeks for each parent. To qualify for FMLA leave, an employee must have 12 months of employment with the City and must have worked at least 1,250 hours in the previous 12 months. See Policy No. 310: Family and Medical Leave Act.
 - c. **Leave Without Pay** – Approved Leave Without Pay may be used by an employee, in addition to qualified paid leave, to meet employees' entitlement under the FMLA. For information and approval process, see Policy No. 304: Leave of Absence Without Pay.

B. Non-Birthing and Bonding Leave

1. A regular full-time or regular part-time employee whose spouse is pregnant may be granted Vacation Leave, Sick Leave, Personal Leave and/or Leave Without Pay, to care for the spouse and/or child(ren). The various leaves, their uses and conditions, are as follows:
 - a. **Sick Leave** – Sick Leave may be used under the condition set forth in Policy No. 301: Sick Leave; i.e., when the medical condition of a member of the employee's immediate family requires the presence of the employee. If the employee requires more than one week sick leave, the employee will provide the applicable Department Director with a written explanation of the need for sick leave. If more than two (2) weeks sick leave is needed, the employee will provide written information from the birth parent's physician or the child(ren)'s physician explaining the necessity for the non-birthing parent's presence.
 - b. **Other Paid Leave** – Earned Vacation Leave, Personal Leave and EDO's may be used during the course of the pregnancy and/or following the birth of the child(ren) in accordance with

Policy No. 302: Vacation Leave and Policy No. 303: Holidays, Personal Leave and EDO's.

- c. **Family and Medical Leave Act (FMLA)** – The FMLA provides that an employee may receive up to 12 weeks leave for the birth or placement of a child(ren). This entitlement is reduced by any other FMLA leave taken during a 12-month (rolling) period and the entitlement expires 12 months after such birth or placement. If both parents are employed by the City, the total entitlement is 12 weeks leave for both parents, not 12 weeks for each parent. To qualify for FMLA leave, an employee must have 12 months of employment with the City and must have worked at least 1,250 hours in the previous 12 months. See Policy No. 310: Family and Medical Leave Act.
- d. **Leave Without Pay** – Approved Leave Without Pay may be used by an employee, in addition to qualified paid leave to meet employees' entitlement under the FMLA. For information and approval process, see Policy No. 304: Leave of Absence Without Pay.

C. Adoption Leave

1. The provisions of the Family and Medical Leave Act apply to adoption on the same basis as they apply to a birth and bonding.
2. Where there is a medical need for the presence of a parent, the Human Resource Director is authorized to apply other related provisions of the Birthing and Bonding Leave and Non-Birthing and Bonding Leave policies.
3. Earned Vacation Leave, Personal Leave and EDOs may be used at any time during the course of the pregnancy, and/or following the birth of the child(ren), in accordance with Policy No. 302: Vacation Leave, and Policy No. 303: Holidays, Personal Leave and EDOs.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

11/22/2022
Date

Mark Schwieterman
Mark Schwieterman
City Manager

Issued:

11.30.22
Date

Jenny Smith
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Human Resource Director