

The City of Albuquerque

Parental Leave FAQ's

1/22/2019

Q1: What is paid Parental Leave?

Paid parental leave is a benefit that provides paid leave for an eligible employee to bond with his or her newborn, adopted child, or foster child with an anticipated placement of six (6) months or more. Benefit entitlement for eligible employees consists of:

- Up to 12 standard work weeks of paid time off to be used within six (6) months of the qualifying event;
 - The parental leave must run concurrently to the Family Medical Leave Act, (“FMLA”), if the employee is eligible for FMLA; (see Q10 below)
 - Twelve (12) weeks of paid leave for each parent if both parents work for the City;
 - Retroactive leave benefits begin if a qualifying event occurred within the FY19 Fiscal Year (July 1, 2018 – June 30, 2019);
 - Accrual of sick and vacation time while on paid parental leave status;
 - Medical coverage will continue to be available for the employee and any dependents under their current group insurance policy in existence at the time of paid parental leave. While on paid leave, the continued coverage will be provided on the same basis as available to the employee during the course of employment;
 - Employees may be eligible for other types of leave that occur prior to or after parental leave under other applicable administrative policies or contracts.
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Q2: Am I eligible for the paid parental leave benefit?

This benefit is available to all qualified employees as follows:

- An employee must have worked for the City a total of twelve (12) months (or fifty-two (52) weeks if the work is intermittent); *and*
- Must have worked one thousand two hundred and fifty (1,250) hours in the twelve (12) months preceding the date of the qualifying event.

FLSA-exempt employees who have worked full-time for twelve (12) months are presumed to meet the hourly requirement. Paid and unpaid absences used in the twelve (12) months preceding the date the Parental Leave will begin are not counted toward the one thousand two hundred and fifty (1,250) hour total.

Q3: What is the effective date for the City of Albuquerque's Parental Leave?

The effective date is January 14, 2019.

Q4: If I was out of work on approved FMLA due to the birth, adoption, or foster placement for my child in FY19 Fiscal Year, (July 1, 2018 – June 30, 2019), will I get my sick or vacation time hours I used for this event?

Yes. Human Resources will be auditing all approved FMLA events corresponding to Parental Leave to provide employees with an update on their reversal/credit of sick or vacation hours used for FMLA/Parental Leave purposes.

Q5: What is the date that initiates the Parental Leave benefit or the qualifying event?

The Parental Leave Benefit begins with the following qualified events:

- On the date of the birth of the child; or
- On the date of placement for adoption of a child age eighteen (18) years or younger; or
- On the date of placement for foster care of a child (excluding the adopting of a stepchild or partner's child) age eighteen (18) years or younger,

**For Adoption/Foster placement, supporting legal documentation of placement from an agency such as the Children, Youth and Families Department, is required.

Q6: What if I have exhausted my FMLA benefits at the time of my request for paid Parental Leave? Does paid parental leave policy extend the 12 weeks of FMLA?

No, FMLA leave approval cannot exceed twelve (12) weeks. However, because Parental Leave is an additional benefit to eligible employees, the entitlement to Parental Leave would be reviewed and determined separately.

Q7: My spouse/domestic partner and I both work for the City of Albuquerque. Do we each receive 12 weeks paid parental leave?

Yes, each parent receives twelve (12) weeks paid parental leave to be used within six (6) months of a qualifying event. Parents are NOT required to take (or prohibited from taking) their parental leave at the same time.

Q8: I recently transferred to another position within the City and I am still on probation. If approved for Paid Parental Leave, how does my leave affect my probation status?

Approved parental leave will not count as time worked towards an employee's probationary period. Upon return to his or her position, an employee will continue to serve any remaining time necessary to complete the probationary period.

Q9: If approved for Paid Parental Leave, what if I don't want to take my leave all at once but rather take my leave intermittently or on a reduced schedule?

Approved parental leave must be taken in a continuous block of time unless an intermittent schedule has been pre-approved and pre-scheduled by the Department Director and the Human Resources Director. If approved, the intermittent schedule must be consistent and taken in increments of four (4) hours.

The twelve (12) standard work weeks of paid time off must be used within six (6) months of the qualifying event.

Q10: How does the Paid Parental Leave benefit work with respect to Family Medical Leave (FMLA)?

An employee's request for Paid Parental Leave benefits will automatically be reviewed by Human Resources for eligibility under FMLA. If a qualified employee is eligible for FMLA, both benefits will run concurrently. If a qualified employee is not eligible for FMLA because the employee has exhausted their benefits due to previous use of the FMLA benefit, Human Resources will review the Parental Leave request separately for eligibility.

Human Resources will determine if an employee is "qualified" by confirming the employee has worked with the City for a total of twelve (12) months (or fifty-two (52) weeks if the work is intermittent) and has worked one thousand two hundred and fifty (1,250) hours in the twelve (12) months preceding the date of the qualifying event. Remaining FMLA benefits are not required for Parental Leave approval.

Q11: I read the City's FMLA policy and note that the policy states that approved leave for bonding with my newborn child can be used within a twelve (12) month period. However, the Paid Parental Leave Policy states that I must use my approved bonding leave within six (6) months. What policy applies to my situation if I am approved for Paid Parental Leave?

If an employee is eligible for both FMLA and Paid Parental Leave benefits, the Paid Parental Leave must be taken within six (6) months of the qualifying event.

Q12: How does my paid parental leave interact with other paid leave accruals?

An employee may choose to use supplemental leave, such as sick or vacation leave, they are eligible for or has accrued prior to or upon exhausting the Paid Parental Leave with prior supervisory approval.

Q13: How do I request parental leave?

Submit a request for leave through the new Parental Leave Request Form. An FMLA request form must also accompany the Parental Leave Request Form as FMLA eligibility will also be reviewed by Human Resources to determine concurrent leave approval.

Q14: How much notice must I give before taking paid parental leave?

Thirty (30) days. If thirty (30) days' notice is not possible, notice is expected as soon as practical. "As soon as practical" means at least verbal notice within two (2) business days of learning of the need for leave followed by written confirmation. See the City of Albuquerque's Family Medical Leave Act Policy and Parental Leave Administrative Instructions for details.

Q15: What if I do not qualify for Paid Parental Leave?

Contact your Department HR Coordinator to discuss any other benefit options you may qualify for.

Q16: How long after birth, adoption, or foster placement can I access the twelve (12) weeks of paid parental leave?

Paid parental leave must be taken within six (6) months after the birth, adoption, or foster placement.

Q17: Can I take less than twelve (12) weeks of paid Parental Leave?

Yes.

Q18: If I take less than the twelve (12) allotted weeks of paid Parental Leave, can I take the remaining balance at a later time?

Employees have six (6) months from the date of the qualifying event to take the paid parental leave benefit. Any unused parental leave does not accrue and has no cash value.

Q19: If approved for Parental Leave, who will code my time and how will my time be coded?

Parental Leave will be coded by the employee's timekeeper upon receiving notice of approved leave. The code that will be used for the paid leave is: **PFM** or **PLV**. The approved leave will be reflected in the employee's paystub with a description of "Parental Leave" or "Parental Leave FMLA".

Q20: What happens to my benefits if I am approved for Paid Parental Leave?

During the approved parental leave duration, the same benefit coverage will continue for the employee and any dependents under the employee's current group insurance policy in existence at the time of leave.

Q21: Does paid parental leave cover both men and women?

Yes, parental leave is not restricted by gender. If both parents work for the City of Albuquerque, they are each eligible for up to 12 weeks of paid parental leave.

Q22: Can I use parental leave to cover absences related to prenatal care, processing an adoption, foster care or legal guardianship before the child has been placed with me?

No. Parental Leave is not available until the date of the qualifying event. For absences that occur before the date of the qualifying event, you may use other types of time off for which you are eligible, such as vacation, sick leave, or FMLA.

Q23: Can I receive more than one allotment of paid parental leave in the same 12-month period (i.e., What if I have two qualifying events under Parental Leave in a 12-month period)?

An eligible employee will receive up to 12 weeks of paid parental leave for each qualifying event. The birth or adoption of multiples (e.g., twins) only qualifies as one event. If a second qualifying event occurs before the end of the original 12-month period, then Human Resources will re-run the paid parental leave calculation to determine new eligible paid parental leave benefits.

Q24: What documentation is required to receive paid parental leave?

Depending on the type of paid parental leave, there are a number of required forms. The employee must inform his or her Department HR Coordinator and immediate supervisor of the need for paid parental leave at least thirty (30) days in advance. This is typically accomplished by submitting a Family Medical Leave Request Form and a Parental Leave Request Form.

Additionally, an employee is also required to submit documentation that verifies the birth, adoption, or foster placement. If the paid parental leave is approved for adoption or foster placement, supporting legal documentation of placement from an agency such as Children, Youth and Families Department, is required.

Q25: Isn't this Parental Leave unfair to employees who do not have children?

The City of Albuquerque offers a substantially similar set of benefits to all of our employees. However, depending on what stage an employee is at in their life, they will use different benefits to different degrees. This is true regarding vacation and sick leave, in addition to health benefits, the employee assistance program, and retirement planning.

Q26. Does this time count towards my Seniority?

Whether or not paid parental leave counts toward seniority depends on the specifics of an employee's collective bargaining agreement. Typically, paid leave does count toward seniority.

Q27. Does this time count towards PERA?

Yes. As long as employees are on a paid leave status, their time under Paid Parental leave counts towards service credit with PERA.

Q28: What happens if I am working in a temporary upgraded position or if I am receiving specialty pay when I start taking paid parental leave?

While out on paid parental leave, the employee will be compensated at the rate of his or her base position. Upon return from paid parental leave, the employee will be returned to his or her regular position prior to the temporary upgrade unless the department business need requires that the employee be re-assigned to a temporarily upgraded position.

Q29: Can I be disciplined for violating a policy during a paid Parental Leave status?

Yes. An employee on paid Parental Leave status must abide by the City's code of conduct policies.

Q30: If I terminate employment during a paid Parental Leave status, will I get paid out any remaining and unused parental leave benefits?

If an employee separates from the City before the duration of their approved paid parental leave, the employee will receive final payout as per the City of Albuquerque's Personnel Rules and Regulations, Section 401.4 (E), Sick Leave Conversion at Termination and Section 401.2 Vacation Leave. There is not an additional final payout for unused parental leave benefits.

Q31: I still have questions on Paid Parental Leave. Who can I call or where can I submit my questions?

Employees are encouraged to contact Human Resources at 768-3700 or submit inquiries in writing to CHumanResources@cabq.gov.