



DEPARTMENT OF EMPLOYEE RELATIONS

Effective Date: April 4, 2022

PAID PARENTAL LEAVE POLICY AND GUIDELINES

1. Policy Statement

The City of Milwaukee believes that strong families benefit both the community and the workplace. For this reason, the City is proud to offer its employees paid parental leave. This policy outlines the Paid Parental Leave Program, explains the application process, and provides guidance to Departments on handling those applications, so that every eligible employee may take full advantage of this important benefit.

2. Applicability

This policy applies to all benefits-eligible general city employees as defined in Milwaukee City Ordinance 36-2(17) and 350-237, including non-represented members of the Milwaukee Fire and Police Departments.

3. Authority

This policy is created under the authority of Milwaukee City Ordinance 350-39(3), which states, in part, benefits eligible employees are entitled to six (6) weeks of paid parental leave for one (1) qualifying event per calendar year, subject to the provisions in the MCO and this policy. The Department of Employee Relations (DER) shall issue policies and procedures to implement the paid parental leave policy and to coordinate the policy with city leave policies and procedures.

4. Definitions

Hours worked: To be eligible for leave, an employee must have worked a minimum of 1,000 hours during the previous 12 months prior to the start date of their leave. Hours worked includes hours paid but not worked, such as vacation, sick or injury time. Hours worked does not include unpaid leave of absences.

Parent: Parent includes biological parent, foster parent, adoptive parent, stepparent, legal guardian, intended parents, or individuals *in loco parentis*, individual acting in place of a parent. Parent does not include individuals serving as surrogates.

Intended Parent(s): Person or persons who become(s) the legal parent of a child born through surrogacy.

Surrogate: An individual carrying a child for intended parent(s).

Qualifying Event: An employee shall be eligible for paid parental leave for any of the following events:

- a. Birth of a child.
- b. Stillbirth after 20 weeks of pregnancy for a birthing parent.
- c. Adoption, foster, guardian, or *in locos parentis* placement of a child under the age of five (5) years.
- d. Miscarriage prior to 20 weeks, the birthing parent shall be eligible for up to 2 weeks of paid parental leave.
- e. A birthing parent who experiences incapacity related to pregnancy or serious health conditions following the birth of a child shall be eligible for up to 4 weeks of paid leave in addition to the 6 weeks of paid parental leave.

5. Eligibility

- a. Beginning April 4, 2022, eligible employees shall be entitled to paid parental leave for one qualifying event per calendar year, subject to the following, taking place: The employee shall have completed a minimum of 1,000 hours worked, excluding leaves of absence, in the twelve (12) months prior to the start date of their leave. If an employee becomes eligible within twelve (12) weeks of the qualifying event, the paid parental leave will be prorated to the eligibility date.
- b. A benefits eligible part-time employee with a qualifying event shall be eligible for paid parental leave and leave shall be prorated based on the employee's regular schedule.
- c. An eligible employee shall be any employee who is a parent.
- d. Employees will be compensated at the employee's regular rate of pay, not including overtime and compensatory pay.

6. Use of Paid Parental Leave

- a. Parental leave shall run concurrently with any state or federal family leave to which the employee may be eligible.
- b. Parental leave shall begin within sixteen (16) weeks of the qualifying event in one continuous block or intermittently for eligible qualifying events. Intermittent use of

parental leave shall only be utilized in the case of birth or placement qualifying events. The last segment of intermittent use of parental leave must begin within the 16-week period. Employees are prohibited from deferring paid parental leave time. For miscarriage or stillbirth, leave must be taken immediately at the time of the qualifying event.

c. Parents who both work for the city are eligible to take their individual parental leave separately or concurrently but within 16 weeks of the qualifying event.

d. For a qualifying event of adoption, foster, guardian, or in locos parentis placement paid parental leave cannot be taken prior to the physical placement of the child with the parent.

e. For employees eligible due to the birth of a child or placement of a child, paid parental leave is available as long as the employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement.

f. Additional parental leave is not available if the employee has more than one qualifying event in a single calendar year.

7. Relation to Other Leave Time

a. Employees will continue to accrue sick time and vacation time while on paid parental leave.

b. In the event an employee requires additional time at the end of the six (6) week period of paid parental leave, the employee may use other available paid or unpaid leave time to remain off work as permissible under any State, Federal and/or City leave laws or policies, including FMLA.

c. Employees may use paid parental leave time before other accrued leave.

d. If an employee is using paid parental leave for a full week in which a City holiday falls, the employee will be paid holiday pay in lieu of paid parental leave for that holiday. This time will still count against the employee's six (6) weeks of paid parental leave.

e. Birthing parents enrolled in the City's short term disability program should consult with DER on the timing of short term disability with paid parental leave.

f. Birthing parents who experience incapacity related to pregnancy or serious health conditions following the birth of a child and require additional time off may be eligible for available state or federal family leave.

g. Non-birthing parents are required to use the City's Funeral Leave, Milwaukee City Ordinance 350-35(5), in the event of a miscarriage or stillbirth regardless of when miscarriage or stillbirth occurs.

h. Birthing parents utilizing paid parental leave will not be eligible for City's Funeral Leave, Milwaukee City Ordinance 350-35(5) for the same qualifying event.

8. **Usage of Additional Leave Time**

Time off needed beyond the authorized parental leave time and FMLA time will require a request to a supervisor to utilize available leave time or an application for a leave of absence. Approval of the leave of absence is at the discretion of the department head per Board of City Service Commissioners Rule X, Section 2. Approval of the request to utilize available leave time is at the discretion of the supervisor.

9. **Requesting Paid Parental Leave**

- a. To request leave, an employee is required to provide the departmental FMLA leave administrator the following information:
 1. Paid Parental Leave Request
 2. The qualifying event, and
 3. Anticipated dates of the leave, if foreseeable.
- b. An employee must request usage of parental leave at least thirty (30) calendar days prior to the foreseeable qualifying event.
- c. For an unforeseeable qualifying event, an employee must request usage of parental leave within fifteen (15) calendar days of the qualifying event. Employees may request reasonable extensions for providing documentation.
- d. Within five (5) business days of the receipt of the request, the departmental FMLA leave administrator will provide the employee a Paid Parental Leave Eligibility Form, which includes a request for supporting documentation of the qualifying event.
- e. The employee shall provide a timely response to the departmental FMLA leave administrator's request for documentation. The employee shall submit the documentation to the DER leave administration coordinator for review and approval. Supporting documentation shall be submitted within fifteen (15) calendar days of the request for leave or within fifteen (15) calendar days of the qualifying event based on the circumstances. Employees may request reasonable extensions for providing documentation.
- f. The employee shall provide a completed Paid Parental Leave Payroll Form to their departmental FMLA leave administrator for each pay period in which leave is used.
- g. The employee shall provide any new certifications requested by the departmental FMLA leave administrator and keep the administrator informed of any major changes in your need for leave.

- h. The employee shall submit any return to work documentation to the departmental FMLA leave administrator that is requested for their own serious health condition within the timeframe required on the form. Required return to work release must be complete and sufficient. If a required return to work release is not complete or sufficient, employees will be notified in writing of the deficiencies and given seven (7) calendar days to provide the required information. If the employee fails to provide the required information, the City may delay the employee's return to work or deny the leave.

Required Documentation

- a. An employee must submit supporting documents that establish the qualifying event for eligibility. Supporting documents include the following:
 - b. For birth of a child – a medical certificate, certificate of a live birth, or similar government (or legal) document listing the employee as a legal parent
 - c. For legal placement of a child – a certified copy of a court order granting the employee legal custody of the child
 - d. For the non-legal placement of a child:
 - 1. Two (2) official records establishing the employee as the named caregiver to the child (e.g., school enrollment, insurance records, or medical records); and
 - 2. Reliable documentation establishing the date when the placement occurred (e.g. insurance records and certificate of death).
 - e. For miscarriage or still birth – medical certification form or death certificate
 - f. For incapacity or serious health condition – medical certification form

Paid Parental Leave Payroll Form

Employees must complete a Paid Parental Leave Payroll Form to their departmental FMLA leave administrator for each continuous or intermittent leave approved for payroll purposes.

Proof of Relationship

For purposes of confirming family relationship, the employer may require the employee provide reasonable documentation or statement of family relationship. This documentation may take the form of a marriage certificate, court documents, birth certificate, etc.

10. Department Responsibilities and Process

a. Paid Parental Leave Eligibility Form

Within five (5) business days of notice of an employee's potential need for paid parental leave or an employee's request for paid parental leave, whichever is earlier, the departmental FMLA leave administrator must provide the employee a completed paid parental leave eligibility form. Typically, the paid parental leave eligibility form will be accompanied by an FMLA Notice of Eligibility. This paid parental leave eligibility form will inform the employee of their eligibility and required documentation.

b. Department of Employee Relations Review

Upon receipt of required documentation from the employee, the DER leave administration coordinator will issue a determination. Determinations will be issued within five (5) business days of receipt of the documentation, absent extenuating circumstances. Copies of the determination will be provided to the employee, supervisor, payroll and departmental FMLA leave administrator.

c. Return to Work Notice

At the time leave is approved, the DER leave administration coordinator will notify employees in writing whether a return to work release is required prior to returning to work. A return to work release will be required from employees returning from continuous leaves of five (5) days or longer for their own serious health condition.

d. Department Tracking

Department payroll shall ensure accurate time entry for each pay period in which leave is used.

Department leave administrators are responsible for tracking leave usage as required by DER. Departments shall submit annual tracking reports to DER per required deadlines.

11. Protections

a. The employee will be restored to the same or an equivalent job upon return from leave. An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, perquisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

b. During leave, the City will maintain the employee's benefit insurance coverage if the employee is enrolled in the City's benefit plans. Employees will continue to pay their share of the premium contributions for benefit coverage during the time of their leave. Questions should be directed to the Department of Employee Relations-

Employee Benefits Division at 414-286-3184.

c. Employees are not required to perform work while on leave.

d. An employee with a qualifying event under this section who does not qualify for protection under the Family and Medical Leave Act of 1993 shall be provided the same job protections enumerated by the act.

12. Work Obligation

a. An employee is required to work for the city for at least six (6) weeks after usage of the paid parental leave. The 6-week work obligation begins on the employee's scheduled workday after such leave or subsequent leave concludes. The City of Milwaukee will seek collection of the full amount of any paid parental leave for an employee who fails to return to work and fully complete the 6-week work obligation.

b. The work obligation is fixed at 6 weeks, regardless of the amount of leave used by an employee.

c. The work obligation may be waived based on the continuation, recurrence or onset of an employee's or child's serious health condition related to the pregnancy, birth or placement of a child. In order to waive the work obligation, the employee must provide supporting documentation from a healthcare provider if an employee claims that the serious health condition of the employee or child makes the employee unable to fulfill the necessary work obligation.

13. Prohibition of Outside Employment During Paid Parental Leave

Outside employment, including self-employment, during paid parental leave is prohibited, and may result in disciplinary action, up to and including termination of employment.

14. Employee Disputes

If an employee believes that they have been denied leave to which they were entitled, that any other employee interfered with their use of leave or that they were retaliated against for taking leave, they may file a complaint with the Department of Employee Relations' Human Resources Compliance Officer. The Compliance Officer will review pertinent facts and documentation to assess if any rights provided under this policy were violated. Retaliation for filing an internal complaint is prohibited.

15. Confidentiality

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. All documents provided to the city

regarding leave will be maintained separately and treated as confidential medical records. The records may be disclosed to supervisors on a need to know basis.

16. Violations

Violations or misuse of the paid parental leave policy may result in disciplinary action, up to and including discharge from employment.

17. Review

This program will be reviewed on a regular basis by the Department of Employee Relations.

18. Links to Forms

Paid Parental Leave Eligibility Form
www.milwaukee.gov/PPEligibilityForm

Paid Parental Leave Payroll Form
www.milwaukee.gov/PPLPayrollForm

Paid Parental Leave Request Form
www.milwaukee.gov/PPLRequestForm