

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: PAID PARENTAL LEAVE

**POLICY
REFERENCE NUMBER:** 8-3-107

**DIVISION OF
RESPONSIBILITY:** Human Resource Services

DATE OF LAST REVISION: November 3, 2022

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. ELIGIBILITY

To be eligible for Paid Parental Leave (PPL), the employee must occupy all or part of an Full-Time Equivalent (FTE) position. Employees in temporary, temporary grant/time-limited, and all other non-FTE positions are not eligible for PPL. There is no service requirement to be eligible for PPL. Employees occupying all or part of an FTE position are immediately eligible for PPL.

Eligibility determinations are made as of the date of the qualifying event. If an employee does not meet all eligibility requirements as of the date of the birth, adoption, or foster care, they are not eligible for PPL even if they later meet the eligibility requirements.

To qualify for PPL, the adoption, birth, or foster care placement must occur on or after October 1, 2022.

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An eligible state employee shall receive no more than one occurrence of six or two weeks of PPL for any twelve-month period, even if more than one qualifying event occurs.

Regardless of the qualifying event (adoption, birth, or foster care placement), the entitlement to PPL expires at the end of the twelve-month period beginning on the date of the qualifying event. If the leave is not used by the eligible state employee before the end of the twelve-month period after the birth, adoption, or foster placement, the leave does not accumulate for subsequent use.

Any leave remaining at the end of the twelve-month period or at separation of employment is forfeited, and the employee is not paid out for the leave. PPL may not be donated.

II. DEFINITIONS

Child: a newborn biological child or foster of a child in state custody and under the age of eighteen or a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

Eligible State Employee: An employee occupying any percentage of an FTE position as of the date of the qualifying event. Employees in temporary, temporary grant/time-limited, and all other non-FTE positions are not eligible for PPL.

Paid Parental Leave (PPL): six weeks of paid leave at one hundred percent of the eligible state employee's base pay or two weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

Parent/Co-Parent: the biological, adoptive, or foster parent of a child.

Qualifying Event: the birth of a newborn biological child to an eligible state employee or after a co-parent's birth of a newborn child or fostering a child in state custody or the initial legal placement of a child by adoption. **To qualify for PPL, the adoption, birth, or foster care placement must occur on or after October 1, 2022.**

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III. LEAVE AMOUNT

The amount of PPL available depends on the qualifying event (adoption, birth, or foster care placement) and the relationship of the state employee to the child. Employees occupying all or part of an FTE position are eligible for PPL as described below:

A. Adoption:

1. Employees occupying all or part of an FTE position and who are primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 on or after October 1, 2022, are entitled to six weeks of PPL.
2. Employees occupying all or part of an FTE position and who are not primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 legally on or after October 1, 2022, are entitled to two weeks of PPL.
3. Only one Eligible State Employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.

B. Birth:

1. Employees occupying all or part of an FTE position and who give birth to a child on or after October 1, 2022, are entitled to six weeks of PPL.
2. Employees occupying all or part of an FTE position and whose co-parent gives birth to a child are entitled to receive two weeks of PPL.

C. Foster Care:

1. Employees occupying all or part of an FTE position and who foster a child under the age of 18 in state custody are entitled to receive two weeks of PPL.

IV. PAID PARENTAL LEAVE USAGE

Employees do not have to exhaust all other forms of leave before being eligible to take PPL.

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If both parents are eligible state employees, PPL may be taken concurrently, consecutively, or at a different time than the other eligible state employee. No child may have more than two parents eligible for PPL.

If an employee requires leave before the birth, adoption, or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized per the appropriate State Board for Technical and Comprehensive Education (SBTCE) leave procedure. PPL may not be used before the qualifying event.

Legal holidays are not counted against PPL.

PPL is paid at one hundred percent of the eligible state employee's base pay. This does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay. Therefore, all additional pay that the employee would receive during non-PPL paid leave (for example, annual leave) should be discontinued in the applicable System Office/College system for the period of PPL. For example, if an employee is receiving a temporary salary adjustment or special assignment pay, these additional pay types should be discontinued in the applicable System Office/College system for the period of PPL. Additional pay tied to hours worked does not need to be discontinued in the applicable System Office/College system. For example, shift differential pay, on-call pay, or call back pay.

A. Adoption and Birth:

1. Leave taken for an adoption or birth must be taken consecutively. Therefore, once leave commences, the employee must continue leave until the leave is exhausted or they choose to return to work. Any leave remaining when the employee returns to work is forfeited.

B. Foster Care:

1. Leave for foster care placement may be taken consecutively or upon request and approval in two, one-week increments. The employee is not permitted to take leave in increments smaller than one week.

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An eligible state employee shall receive no more than one occurrence of six or two weeks of PPL for any twelve-month period, even if more than one qualifying event occurs. An eligible state employee may, however, be able to use PPL for two qualifying events that occur within the same twelve-month period so long as the start date of the second period of PPL is at least twelve months from the end date of the first period of PPL.

V. PAID PARENTAL LEAVE AND FMLA LEAVE

PPL must run concurrently with leave taken pursuant to the Family Medical and Leave Act (FMLA) and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event.

However, an eligible state employee shall be eligible for PPL even if the employee has exhausted their FMLA leave, or is not eligible for FMLA coverage, at the time of the qualifying event.

If an employee becomes eligible for FMLA leave while on PPL, the employee must use FMLA leave, and the PPL runs concurrently with FMLA leave.

VI. PAYMENT WHILE USING PAID PARENTAL LEAVE AND ACCRUAL OF OTHER LEAVE TYPES

The hours of PPL are calculated based on the employee's average workday.

Eligible state employees shall accrue annual and sick leave at the normal rate and receive holiday pay while on PPL, if applicable.

VII. REQUESTING PAID PARENTAL LEAVE

Employees must complete and sign the PPL Request Form.

Request to use PPL should be submitted at least thirty (30) days prior to the qualifying event. If thirty (30) days notice is not possible, an employee is required to provide notice as soon as practicable.

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An employee may withdraw their request for PPL at any time prior to the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the request must be submitted in writing.

Upon receiving a request for PPL and documentation following the birth or placement of a child, the System Office/College will notify the employee of their eligibility status within five (5) business days or as soon as is practical.

VIII. REQUIRED DOCUMENTATION

The documentation required for PPL is provided in the table below. The employee is required to supply only one form of documentation and may choose which documentation to provide based on the applicable qualifying event.

Qualifying Event	Required Documentation (Employee Selects One)
Adoption	<ul style="list-style-type: none">• Adoption order and/or agreement confirming the initial date of placement.
Birth	<ul style="list-style-type: none">• Birth Certificate or Proof of Birth• Certified DNA Results• Custody Order
Foster Placement	<ul style="list-style-type: none">• Foster Care Placement Agreement• Custody Order

Employees must submit the requested required documentation to receive PPL within thirty (30) days of the birth, adoption, or foster care placement or as soon as it is practical after the documentation becomes available. Employees may be permitted to begin PPL following the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within thirty (30) days of the event, the employee will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on Leave Without Pay for the period they were absent from work. Please note that the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

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All documents must include the date of the qualifying event and reflect that the employee is a legal parent of the child.

IX. IMPORTANT REMINDERS

- PPL is only available if the qualifying event occurs on or after October 1, 2022.
- Only employees who occupy all or part of an FTE position are eligible for PPL.
- PPL for birth and adoption must be taken consecutively and in one continuous block of time.
- PPL for foster care placement may be taken in two consecutive weeks or upon request and approval in two, one-week increments.
- PPL must run concurrent with FMLA, if available.
- Employees are eligible for PPL on their first date of hire.
- Employees are not required to use other leave before using PPL but may do so if they choose.
- PPL must be taken within twelve (12) months of the qualifying event. Any leave available to the employee after twelve months is forfeited.
- PPL is paid at one hundred percent of the eligible state employee's base pay. Therefore, PPL does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay. All additional pay that the employee would receive during non-PPL paid leave (for example, annual leave) should be discontinued in the applicable System Office/College system for the period of PPL. For example, if an employee is receiving a temporary salary adjustment or special assignment pay, these additional pay types should be discontinued for the period of PPL. Additional pay tied to hours worked does not need to be discontinued in the applicable System Office/College system. For example, shift differential pay, on-call pay, or call back pay.
- This form does not replace the System Office/College's obligation to provide timely written notifications to the employee required under the Family and Medical Leave Act (FMLA), the Pregnancy Discrimination Act (PDA), or the Americans with Disabilities Act (ADA). Refer to the Acts and the SBTCE policies and procedures for more information.

ADDENDUM #1

Sample Paid Parental Leave Request Form:

Employee Name:	
Work Phone Number:	
Work Email Address:	
Personnel Number:	
Manager's Name:	
Date of Request:	
Date of Qualifying Event:	
Parental Leave Start Date:	

Reason Parental Leave Requested (Check One):

- I am primarily responsible for furnishing the care and nurture of a child initially legally placed with me for adoption. (Six weeks of consecutive parental leave.) Only one Eligible State Employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.
- I am not primarily responsible for furnishing the care and nurture of a child initially legally placed with me for adoption. (Two weeks of consecutive parental leave.)
- I have given birth. (Six consecutive weeks of parental leave.)
- I am the co-parent of a biological child. (Two weeks of consecutive parental leave.)
- I am fostering a child in state custody. Choose option one or two. (Two weeks of parental leave.)
 - Option One: I will take the two weeks of paid parental leave at one time.
 - Option Two: I will take paid parental leave in two, one week, non-consecutive, increments.

Required Documentation:

Qualifying Event	Required Documentation (choose one)
Adoption	<ul style="list-style-type: none"> • Adoption order and/or agreement confirming the initial date of placement.
Birth	<ul style="list-style-type: none"> • Birth Certificate or Proof of Birth • Certified DNA Results • Custody Order
Foster Placement	<ul style="list-style-type: none"> • Foster Care Placement Agreement • Custody Order

ADDENDUM #1 (continued)

Check One:

- I **have not** used any paid parental leave in the twelve months preceding this request or for the qualifying event indicated on this request form.
- I **have** used paid parental leave in the twelve months preceding this request or for the qualifying event indicated on this request form. (If yes, please provide the information below.)
 - Date leave commenced _____.
 - Date leave ended (if applicable) _____.
 - Agency/Institution where parental leave was used _____.

I understand that paid parental leave is paid at one hundred percent of the eligible state employee's base pay. Therefore, paid parental leave does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay.

I certify that the information provided in this form is accurate, and I understand that any falsification of information may lead to disciplinary action up to and including termination.

Employee Signature: _____ Date: _____

Human Resources Use Only:

- Parental Leave Approved
- Parental Leave Denied Reason: _____

Checklist:

- Required documentation reviewed: _____
- Is the employee eligible for FMLA leave? _____
 - If employee is not FMLA eligible at the time of the event, the date employee will become eligible: _____
- Determine dates of leave eligibility based on event.
 - Start Date: _____
 - End Date: _____
- Verify paid parental leave not taken in the previous twelve (12) months.

ADDENDUM #2

Sample Paid Parental Leave Request Approval – Birth or Adoption

Dear Employee:

This letter is in response to your request to use paid parental leave for the [birth of your child/placement of an adoptive child.

Your request has been reviewed, and you are eligible for [six/two] weeks of paid parental leave. This leave must be taken consecutively and is available for twelve months following the [birth of your child/placement of an adoptive child.]

Please be advised that paid parental leave pays only your base pay and does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay which you may be receiving.

Per your request, your paid parental leave will begin on XX/XX/XXXX and will end on XX/XX/XXXX. This leave will run concurrently with your available Family Medical Leave Act (FMLA) Leave.

Your paid parental leave should be entered through the applicable System Office/College leave system using the following leave type: [Parent Lv/XXXXX-X].

Sincerely,

Human Resources Department

cc: Employee Medical/Benefits File

ADDENDUM #3

Sample Paid Parental Leave Request Approval – Foster Care

Dear Employee:

This letter is in response to your request to use paid parental leave for the placement of a foster child.

Your request has been reviewed, and you are eligible for two weeks of paid parental leave. You may take this leave in one, two-week increment or in two, one-week increments. This leave is available for twelve months following the foster care placement.

Per your request, your paid parental leave will begin on XX/XX/XXXX and will end on XX/XX/XXXX. This leave will run concurrently with your available Family Medical Leave Act (FMLA) Leave.

Please be advised that paid parental leave pays only your base pay and does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay which you may be receiving.

Your paid parental leave should be entered through the applicable System Office/College leave system using the following leave type: [Parent Lv/Fost-2/XXXX].

Sincerely,

Human Resources Department

cc: Employee Medical/Benefits File

ADDENDUM #4

Sample Paid Parental Leave Request Denial

Dear Employee:

This letter is in response to your request to use paid parental leave.

Your request has been reviewed it has been determined that you are ineligible for paid parental leave because (check one):

- You were not in an FTE position at the time of the birth, adoption, or foster care placement.
- The birth, initial legal placement for adoption, or foster care placement occurred prior to October 1, 2022.
- The birth, initial legal placement for adoption, or foster care placement occurred more than twelve months prior to the date of the request.
- You have exhausted your paid parental leave benefit.
- You have not experienced a qualifying event.
- You do not meet the qualifying definition of “parent” or “co-parent.”
- Other: _____

Please review the enclosed paid parental leave policy for additional information.

Sincerely,

Human Resources Department

Enclosure (Paid Parental Leave Policy)

cc: Employee Medical/Benefits File