

PAID PARENTAL LEAVE

Code **GCCAC/GDCC** Issued **MODEL**

(Note: On May 12, 2023, Governor Henry McMaster signed into law the Paid Parental Leave Act for eligible school district employees. Accordingly, this policy is provided in an effort to respond to the immediate need to have a policy in place prior to the law's effective date of June 26, 2023. As the new law directs the promulgation of regulations, guidance, and procedures by the State Board of Education, it may become necessary to amend this policy in the future based on same.)

The provisions of this policy are effective as of June 26, 2023.

The following definitions will apply to Paid Parental Leave:

Child: A newborn biological child or foster of a child in state custody and under the age of 18 or a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.

Eligible School District Employee: An employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

Paid Parental Leave (PPL): Six weeks of paid leave at 100 percent of the eligible school district employee's base pay or two weeks of paid leave at 100 percent of the eligible school district employee's base pay.

Parent/Co-Parent: The person listed as a legal parent in applicable required documentation (birth certificate, adoption order, etc.) or the foster parent of a child.

Qualifying Event: The birth of a newborn biological child to an eligible school district employee or after a co-parents' 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 June 26, 2023.

Eligibility Requirements

To be eligible for PPL, the school district employee must occupy all or part of a full-time equivalent (FTE) position. Employees in temporary, temporary grant, time-limited, research grant 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 and are not retroactively applied.

To qualify for PPL, the adoption, birth, or foster care placement must occur on or after June 26, 2023.

An eligible school district 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.

Calculating Leave Amount

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

Adoption:

- a. Eligible school district 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 and under the age of 18 on or after June 26, 2023, are entitled to six weeks of PPL.
- b. Eligible school district 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 on or after June 26, 2023, are entitled to two weeks of PPL.
- c. Only one eligible school district employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.

Birth:

- a. Eligible school district employees occupying all or part of an FTE position and who give birth to a biological newborn child on or after June 26, 2023, are entitled to six weeks of PPL.
- b. Eligible school district employees occupying all or part of an FTE position and whose co-parent gives birth to a biological newborn child are entitled to receive two weeks of PPL.

Foster Care:

- a. Eligible school district 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.

Paid Parental Leave Usage

Eligible school district employees are not entitled to and may not use PPL before the occurrence of a qualifying event. Other available leave benefits (e.g., sick leave, the Family Medical and Leave Act (FMLA) leave, PTO, or unpaid leave) must be used if that employee requires leave before the occurrence of a qualifying event such as for medical reasons related to pregnancy but prior to the birth of a child or legal obligations related to adoption or foster care placement.

If PPL is not used by the eligible school district employee before the end of the 12-month period after the qualifying event, such leave expires and does not accumulate for subsequent use. Paid parental leave may not be donated. Any leave remaining at the end of the 12-month period or at separation of employment is forfeited.

Birth or adoption

Days of paid parental leave taken for the birth or adoption of a child under this policy must be taken consecutively. Once leave commences, the eligible school district employee must continue leave until the leave is exhausted or the employee chooses to return to work. Any unused PPL remaining when the employee returns to work is forfeited. If both parents are eligible school district employees, paid parental leave may be taken concurrently, consecutively, or at a different time than the other eligible school district employee.

(Optional: The district may, in its discretion, deny concurrent paid parental leave if the simultaneous absence of both employees will disrupt or result in an undue hardship on the educational mission or operations of the district.)

Foster care

Paid parental leave for the foster care placement of a child may be taken consecutively, or upon request and approval in two, one-week, increments. PPL for foster care placement may not be used in increments smaller than one week. Once leave commences, the eligible school district employee must continue leave for the one-week or two-week period, as applicable, until the leave is exhausted, or the employee chooses to return to work. If the eligible school district employee returns to work prior to the end of the one-week or two-week leave, any unused PPL remaining for that period is forfeited.

Paid Parental Leave and FMLA or Other Unpaid Leave

PPL must run concurrently with leave taken pursuant to FMLA and any other unpaid leave to which the eligible school district employee may be entitled as a result of the qualifying event. Eligible school district employees do NOT have to exhaust all other forms of leave before being eligible to take PPL. However, employees shall be eligible for paid parental leave even if they have exhausted all other leave or if the employee is not eligible for FMLA leave at the time of the qualifying event. If the employee becomes eligible for FMLA leave while on PPL, the employee must use the FMLA leave, which will then run concurrent with the PPL.

Parental Leave Payment and Other Leave Accrual

Leave granted under this policy is with pay and is not annual or sick leave and therefore does not deduct from the eligible school district employee's accrued leave balance. Eligible school district employees shall accrue annual and sick leave at the normal rate while on PPL, if applicable.

School district holidays and vacation on the district calendar will not be counted against PPL. The use of PPL by an eligible school district employee shall not prevent that employee from earning a STEP increase the following year. PPL is considered paid leave and will count toward the eligible school district employee's years of service.

(Drafter's Note: Where an employee's entitlement to leave extends beyond their designated term of employment for their contractual term, the district may enact policies to allow the affected employee to continue their period of leave in the subsequent contractual term, provided that the employee remains an eligible school district employee. If the district chooses to do so, district specific information should be included here.)

Requesting Paid Parental Leave

Eligible school district employees requesting paid parental leave must submit a request to the Director of Personnel *(or his or her designee)*. Requests should be submitted not less than 30 days prior to the qualifying event. If 30 days' notice is not possible, the employee is required to submit the request as soon as practicable along with a reasonable explanation as to why earlier notice was not possible.

In order to receive PPL, eligible school district employees must also submit satisfactory documentation of the qualifying event to the Director of Personnel *(or his or her designee)* as soon as practicable as but not later than 30 days after the qualifying event occurs. The documentation must include the date of the qualifying event and verify the eligible school district employee is a legal parent or co-parent of the child. The employee may provide any of the following forms of documentation based on the applicable qualifying event:

- For the birth of a child, a valid birth certificate, physician's statement, custody order, or certified DNA results.
- For the foster placement of a child, a court order or lawful foster care placement agreement.
- For the adoption placement of a child, a court order or lawful adoption agreement.
- Any other valid and lawful certification, order, agreement, or other form of documentation confirming the qualifying event that is satisfactory to the district.

The district will endeavor to notify the employee of his or her eligibility status within five business days after receiving the request and all required documentation. If the qualifying event occurs prior to the district's eligibility determination, the employee may commence paid parental leave following the qualifying event and pending receipt of all required documentation and the district's determination.

(Optional: If the employee fails to provide all required documentation within 30 days of the qualifying event, or if the district at any time determines the employee is not eligible for paid parental leave for any reason, the district may, in its sole discretion, terminate the paid parental leave and require the employee to substitute all other available paid leave for the days the employee has been absent from work. If the employee's other paid leave is insufficient to cover the days the employee has been absent from work, the employee will be placed on unpaid leave for the days not covered by paid leave.)

The required request and documentation for paid parental leave is separate from and in addition to the documentation required for FMLA leave and other paid or unpaid leaves of absence. Any employee who knowingly and intentionally submits false information or makes any misrepresentation concerning paid parental leave shall be subject to disciplinary action, up to and including termination.

Cf. GCC, GCC -R, GDC, GDC -R

Adopted ^

Legal References:

- A. United States Code of Laws, as amended:
 - 1. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
 - 2. Family and Medical Leave Act, 29 U.S.C.A. Section 2601, *et seq.*
 - 3. Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C.A. Section 4301, *et seq.*
- B. S.C. Code of Laws, 1976 as amended:
 - 1. Section 8-11-151 – Requires granting Paid Parental Leave for eligible school district employees, birth of child or placement of foster child.
 - 2. Section 8-11-156 – Requires granting Paid Parental Leave for eligible school district employees, adoption.