**PURPOSE**

Durham County provides approved time off with pay for the first three months after the birth of an employee’s own child or the first three months after the placement of a child with the employee in connection with adoption, foster care or *in loco parentis*.

**POLICY**

This policy establishes paid parental leave eligibility, the types of leave that can be designated as paid parental leave, and the process for requesting this leave.

**Paid leave under this policy will not run concurrently with FMLA leave.**

DCo reserves the right to modify or terminate this policy as it deems necessary.

**ELIGIBILITY**

All County employees who accrue and use sick leave covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding.

**DEFINITIONS**

Employee – A person, in probationary or regular status, who performs services or labor for the County in return for some form of compensation, and who is treated as an employee for the purposes of withholding social security and tax payments in accordance with Internal Revenue Service regulations.

In Loco Parentis – A relationship in which a person has put himself or herself in the situation of a parent by assuming the obligations of a parent to a child with whom s/he may have no legal or biological connection. Criteria for determining in loco parentis relationships include whether the person assumed day-to-day responsibilities of care and/or financial support. Other factors may include the age of the child; the degree to which the child is dependent on the person; amount of financial support, if any, provided; and the extent to which duties commonly associated with parenthood are exercised. The fact that a child has a biological parent(s) in the home does not prevent an employee from standing *in loco parentis*.

Child – A biological, adopted, foster child, stepchild, legal ward, or a child of a person standing *in loco parentis,* who is under five years of age.

Parent – A biological, adoptive, step, foster parent, or an individual who stands *in loco parentis* to a newborn child.

**PROCEDURE**

An employee requesting paid parental leave must submit a request to the Department Director using the Durham County Leave Request Form that states the anticipated beginning and end date of the paid parental leave. Employees must give as much advance notice as possible prior to the effective date of leave.

The Department Director may require verification of birth or placement. If it is verified that paid parental leave has been misused, the employee will be subject to disciplinary action up to and including dismissal.

The approved timeframe of paid leave will not exceed twelve weeks.

If both parents are employees, the total of paid parental leave cannot exceed twelve weeks.

Unless an employee has made an extension request to the Department Director and it has been approved, any employee who fails to report to work at the expiration of the approved leave will be considered absent without leave and will be subject to disciplinary action.

All approved absences associated within the first three months of the birth of an employee’s own child or within the first three months of the placement of a child with an employee in connection with adoption, foster care, or *in loco parentis* will be recorded as paid parental leave, and not be charged against the employee’s accrued leave.

**Paid leave under this policy will not run concurrently with FMLA leave.**

Leave and seniority will continue to accrue while an employee is on paid parental leave.

Upon return from leave, the employee will be returned to the same or equivalent position with the same benefits, pay, and other terms and conditions of employment. An equivalent position must be approved by the Director of Human Resources.

**RESPONSIBILITY**

It is the responsibility of supervisors and managers to uniformly administer, communicate, and ensure compliance.

It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.

It is all employees’ responsibility to comply with policy guidelines.

Any violation or policy misuse will result in disciplinary action up to and including dismissal.