

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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PARENTAL LEAVE	Effective Date July 1, 2016		

1. PURPOSE

1.1. The purpose of this Administrative Regulation (A.R.) is to establish a policy and procedure for paid Parental Leave.

2. SCOPE

2.1. This A.R. applies to all eligible *Employees*, regardless of classification.

2.2. This A.R. is not intended to waive or interfere with any rights or obligations an employee has under local, state or federal law related to family and medical leave laws.

3. DEFINITIONS

3.1. *Child* – A biological, adopted, or foster child, a stepchild, a legal ward, who is either under 18 years old or has a mental or physical disability and is incapable of self-care.

3.2. *Employee* – Currently employed with the City, eligible to receive the Flexible Benefits Plan from the City, and are in a half-time, three-quarter time or full-time status.

3.3. *Parent* – A biological, foster, or adoptive parent; a stepparent; custodian of a legal ward (i.e. legal guardian); or person *in loco parentis* over such a *Child*. *Parent* also includes the spouse or registered domestic partner of the person in the parental relationship.

3.4. *Eligible Event* – Birth or placement of a *Child* in which the *Employee* becomes a *Parent* of that *Child* after July 1, 2016.

3.5. *Parental Leave (Leave)* – 160 hours of paid leave, pro-rated based on the *Employee's* current employment status, for an *Employee Parent* to take time off due to an *Eligible Event*.

(New Administrative Regulation 95.89, Issue 1, effective July 1, 2016)

Authorized

[Signature on File]

CHIEF OPERATING OFFICER

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4. POLICY

4.1. Eligibility Requirements –

4.1.1. *Employees* are eligible to receive *Parental Leave* if they have been employed with the City for at least one month and have worked at least half-time during that one month.

4.2. Basic Leave Entitlement –

4.2.1. *Parental Leave*, is limited to one *Eligible Event* per rolling 12-month period, calculated from the date of the *Eligible Event*.

4.2.2. The *Parental Leave* is pro-rated based on the *Employee's* current employment status, limited to one *Eligible Event* per rolling 12-month period as follows:

- a. Half-time status *Employees* will receive 80 hours of *Leave*.
- b. Three-quarter time status *Employees* will receive 120 hours of *Leave*.
- c. Full-time status *Employees* will receive 160 hours of *Leave*.

4.2.3. *Employees* may not cash out *Parental Leave*. Any unused *Parental Leave* will be forfeited at the end of the rolling 12-month period or upon separation of employment.

4.2.4. If an employee no longer meets the eligibility requirements for the *Parental Leave* because he or she moved into a non-benefitted status or no longer maintains at least a half-time status, then *Parental Leave* will no longer be available for use.

4.3. Use of Leave –

4.3.1. When an *Eligible Event* is foreseeable, a Request for Leave of Absence (CS-14-25A), commonly referred to as a “leave slip”, must be submitted for pre-approval to the *Employee's* supervisor at least 30 calendar days prior to the first use of the *Parental Leave*. If an *Eligible Event* is not foreseeable at least 30 days in advance, notice to use the *Leave* must be given as soon as practicable.

4.3.2. An *Employee* does not need to use this *Parental Leave* in one block. The *Leave* can be taken intermittently or on a reduced work schedule.

4.3.3. Fair Labor Standards Act (FLSA) non-exempt and partially exempt *Employees* paid on an hourly basis must take *Parental Leave* in 1 hour increments. *Employees* exempt from any and all overtime under the FLSA and paid on a salaried basis

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must take *Parental Leave* in full day increments.

4.4. Does Not Replace Unpaid Leave –

4.4.1. *Parental Leave* is provided independent of any other protected leave, such as the California Family Rights Act (CFRA) leave or Family Medical Leave Act (FMLA) and does not impact, limit or interfere with the availability of such leave in any way.

4.5. Benefits and Protections –

4.5.1. Upon return from *Parental Leave*, *Employees* will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.

4.5.2. *Employees* on *Parental Leave* will not suffer any breaks in service for purposes of seniority, retirement plan service credit, or other benefits provided prior to the leave, provided all procedures have been followed accordingly. Time spent on *Parental Leave* will be considered “time worked” for purposes of calculating eligibility requirements for CFRA and the Family Medical Leave Act (FMLA). However, *Parental Leave* will not be considered “time worked” for purposes of calculating overtime.

4.5.3. During *Leave*, *Employees* will be provided full flexible benefits on the same terms as if the *Employee* had continued working. If an *Employee* goes into unpaid status the employee needs to contact the Risk Management Department for more information.

5. RESPONSIBILITY

5.1. Requesting *Employee* –

5.1.1. *Employee* completes a Request for Leave of Absence (CS-14-25A) and submits that to his or her supervisor 30 calendar days in advance of the start of *Leave*, if the *Leave* is foreseeable.

5.1.2. *Employee* works with supervisor to create a Leave Plan (Form HR-8) to clearly identify how the *Employee* will be taking *Parental Leave*.

5.2. Supervisor –

5.2.1. The supervisor should make every effort to work with the *Employee* on his or her requested Leave Plan (Form HR-8).

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- 5.2.2. Upon review/approval by the *Employee's* supervisor, the supervisor will submit the approved Request for Leave of Absence (CS-14-25A) to the Department's payroll specialist for processing and tracking.
- 5.2.3. The supervisor will retain a copy of the Leave Plan (Form HR-8) and keep it in the separate confidential medical file for the *Employee*.
- 5.3. Department Payroll Specialist –
 - 5.3.1. Processes the Request for Leave of Absence (CS-14-25A) for the applicable payroll period the *Leave* is requested.
 - 5.3.2. If the *Employee* is absent from the workplace and is unable to input the required payroll information, the Department payroll specialist will ensure this information is updated on the *Employee's* timecard.

APPENDIX

Legal References

California Family Rights Act (CFRA)

Forms

HR-8 – Parental Leave Plan

[CS-14-25A – Request for Leave of Absence](#)

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