

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  PARENTAL LEAVE	Number 95.89	Issue 2	Page 1 of 5
	Effective Date July 1, 2023		

1. PURPOSE

- 1.1. The purpose of this Administrative Regulation (A.R.) is to establish a policy and procedure for *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 interfere with any rights or obligations an employee has under local, state, or federal law related to family care and medical leave.

3. DEFINITIONS

- 3.1. Child – A biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom an *Employee* stands *In Loco Parentis*.
- 3.2. Eligible Event – Birth or placement of a *Child* when an *Employee* becomes a *Parent* of the *Child*.
- 3.3. Employee – Currently employed with the City for at least 30 days, eligible to receive the Flexible Benefits Plan from the City, and in a half-time, three-quarter time, or full-time employment status.
- 3.4. In Loco Parentis – In the place of a parent; instead of a parent; charged with a parent's rights, duties, and responsibilities. It does not require a biological or legal relationship.
- 3.5. Parent – A biological, foster, or adoptive parent; a stepparent; custodian of a legal ward (i.e., legal guardian); or person standing *In Loco Parentis* to a *Child*.
- 3.6. Parental Leave (Leave) – Paid leave for use by an *Employee Parent* to take time off due an *Eligible Event*.

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

Authorized

  
CHIEF OPERATING OFFICER

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4. POLICY

- 4.1. Eligibility Requirements – *Employees* are eligible to use *Parental Leave* after they have been employed with the City for at least 30 calendar days, are in a benefitted status, and are working at least half-time. An *Employee* must have met these eligibility requirements on or before the date of the *Eligible Event* to use *Parental Leave*.
- 4.2. 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*. Supporting documentation of an *Eligible Event* is required (e.g., birth certificate, adoption order, employee statement, affidavit, etc.).
- 4.2.2. An *Employee's Parental Leave* entitlement per *Eligible Event* depends on the date of the *Eligible Event* and is pro-rated based on an *Employee's* current employment status as follows:
- a. For an *Eligible Event* that occurs from July 1, 2016, through June 30, 2023:
1. Half-time status *Employees* will receive 80 hours of *Leave*.
  2. Three-quarter time status *Employees* will receive 120 hours of *Leave*.
  3. Full-time status *Employees* will receive 160 hours of *Leave*.
- b. For an *Eligible Event* that occurs on or after July 1, 2023:
1. Half-time status *Employees* will receive 160 hours of *Leave*.
  2. Three-quarter time status *Employees* will receive 240 hours of *Leave*.
  3. Full-time status *Employees* will receive 320 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 applicable 12-month period or upon separation of employment.
- 4.2.4. If an employee no longer meets the eligibility requirements for *Parental Leave* because they have moved into a non-benefitted status or no longer maintain at least a half-time employment status, then *Parental Leave* will no longer be available for use.

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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 approval to the *Employee’s* supervisor at least 30 calendar days prior to the first use of *Parental Leave*. If an *Eligible Event* is not foreseeable at least 30 days in advance, notice to use *Leave* must be given as soon as practicable. *Employees* must complete a Parental Leave Plan (Form HR-8) and provide supporting documentation of the *Eligible Event* to use *Parental Leave*.

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

4.3.3. Fair Labor Standards Act (FLSA) non-exempt *Employees* paid on an hourly basis must use *Parental Leave* in at least one-hour increments. *Employees* exempt from overtime under the FLSA and paid on a salaried basis must use *Parental Leave* in full-day increments. San Diego Police Department and Fire-Rescue Department sworn *Employees* should follow their respective Department Instructions regarding the use of *Parental Leave*.

4.4. Relationship to Unpaid Protected Leave – *Parental Leave* is provided independent of any other protected leave, such as leave under the California Family Rights Act (CFRA) or the Family and Medical Leave Act (FMLA), and does not impact, limit, or interfere with the availability of such protected 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 leave under the CFRA and the FMLA. *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 an unpaid status, they will need to contact the Risk Management Department for more information.

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5. RESPONSIBILITY

5.1. Requesting *Employee* –

- 5.1.1. *Employee* completes a Request for Leave of Absence (CS-14-25A) and submits it to their supervisor 30 calendar days in advance of the start of the *Leave*, if the *Leave* is foreseeable, otherwise as soon as practicable.
- 5.1.2. *Employee* works with their supervisor to create a Parental Leave Plan (Form HR-8) to clearly identify how the *Employee* will be using *Parental Leave*. The *Employee* must complete the Parental Leave Plan (Form HR-8) and provide supporting documentation of the *Eligible Event* prior to using *Parental Leave*.

5.2. Supervisor –

- 5.2.1. The supervisor should make every effort to work with the *Employee* on their requested Parental Leave Plan (Form HR-8).
- 5.2.2. Upon review and 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 Parental 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.

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APPENDIX

Legal References

California Family Rights Act (CFRA)  
Family and Medical Leave Act (FMLA)

Forms

[CS-14-25A – Request for Leave of Absence](#)  
HR-8 – Parental Leave Plan

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