

## STATE OF MARYLAND POLICY

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**SUBJECT: Parental Leave**

**Effective: October 1, 2018**



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### PARENTAL LEAVE

#### I. AUTHORITY

Annotated Code of Maryland, State Personnel & Pensions Article (SPP), §§ 9-1101, 9-1108.  
Code of Maryland Regulations, Title 17, Subtitle 04, Chapter 11, Section .29.

#### II. PURPOSE

To provide certain State employees with Parental Leave with pay for the purpose of providing care and nurturing to a child immediately following birth or upon placement of the child under 6 years of age with the employee for adoption.

#### III. DEFINITIONS

- A. Employee – An employee in the State Personnel Management System, except a temporary employee.
- B. “Immediately following” – In the context of this policy, “immediately following” means within 6 months of the birth of the employee’s child or the placement of a child under 6 years of age with the employee for adoption.
- C. Parental Leave – Paid leave granted to a Primary Caregiver to care for and nurture the employee’s child within 6 months following the birth or adoption by the employee of a child under 6 years of age.
- D. Parental Leave Absence – An approved absence for an employee who is a Primary Caregiver for up to 60 days for the purpose of caring for and nurturing of the employee’s child within 6 months following the birth of the child or adoption by the employee of a child under 6 years of age.

- E. Parental Leave Absence Request – A form provided by the Secretary of Budget and Management for the purpose of requesting a Parental Leave Absence.
- F. Primary Caregiver – An eligible employee who is primarily responsible for the care and nurturing of the employee’s child 6 months of age or younger or the employee’s adopted child who is under 6 years of age.
- G. “Additional” Paid Leave – Paid leave that is granted by the employee’s employer that is not debited from the employee’s earned leave balance.

#### **IV. USE OF LEAVE**

- A. An employee approved for a Parental Leave Absence may use any combination of annual and personal leave as permitted by SPP Section 9-1108 for the birth of the employee’s child or adoption by the employee of a child under 6 years of age.
  - 1. An employee is required to use annual and personal leave for a Parental Leave Absence if it is available.
  - 2. If an employee has exhausted accrued annual and personal leave, the employer shall grant additional paid leave to attain the 60 days of parental leave permitted by law.
  - 3. The leave must be used within 6 months of the birth of the employee’s child or the placement with the employee of a child under 6 years of age for adoption.
- B. Administration of the Parental Leave Absence
  - 1. An employee may request a Parental Leave Absence by submitting the Parental Leave Absence Request form to the employee’s appointing authority.
    - a. By submitting the form, the employee certifies that the employee is the Primary Caregiver for a child who was born within 6 months of the date of the request for Parental Leave or a child under the age of 6 who was adopted by the employee within 6 months preceding the date of the request for Parental Leave. The form requests an absence of up to 60 days for the purpose of caring for and nurturing the child.
    - b. The Parental Leave Absence Request form must be accompanied by medical documentation required by the form.
  - 2. The employee’s appointing authority shall render a decision on a request for a Parental Leave Absence within 5 working days of receiving the request.

3. Two State employees who otherwise are eligible for Parental Leave may not be determined to be a Primary Caregiver during the same period of time for the purpose of taking Parental Leave.
4. A parental leave absence must run concurrent with any entitlement under the Family and Medical Leave Act and shall not exceed 60 days after the application of any leave used in accordance with SPP 9-505; the duration of a parental leave absence is prorated for employees who work part-time.

#### C. Criteria for Reviewing Requests for Parental Leave Absence

1. An appointing authority may grant a request for a Parental Leave Absence if the employee:
  - a. has submitted the proper form certifying that the employee is the Primary Caregiver for the child, along with the necessary medical documentation;
  - b. has not already exceeded the 60 day Parental Leave Absence Period; and
  - c. the absence will occur within 6 months following the birth of the employee's child or adoption by the employee of a child under 6 years of age.
2. A request for a Parental Leave Absence may be denied if the employee has not submitted the necessary form and acceptable medical documentation certifying eligibility for the leave.
3. If the time period requested by the employee for the use of Parental Leave poses a significant operational disruption as determined by the employee's appointing authority, the appointing authority may delay the start of the Parental Leave Absence; however, such delay may not deprive the employee of the full use of the 60 day Parental Leave Absence.

#### D. Administration of Parental Leave Absence

1. The employing agency must ensure that the requesting employee has submitted the Parental Leave Absence Request form with acceptable documentation as required by this Policy.
2. Parental Leave is in addition to any leave available under State Personnel and Pensions Article 9-505 which provides for 30 days of sick leave to be used under certain circumstances.
3. A Parental Leave Absence may be requested after an employee has exhausted any available leave under State Personnel and Pensions Article 9-505.

4. Leave provided under SPP 9-505 shall not count as part of the 60 days entitlement under the Parental Leave Absence.
5. An employee who is approved for a Parental Leave Absence is required to properly designate the period of absence using the leave codes provided for this purpose in the timekeeping system of record.
6. The requesting employee, the employee's supervisor and the timekeeper are all responsible for tracking the use of Parental Leave to ensure that leave is properly coded and that an employee does not exceed the 60 day time period that is allotted for the employee's Parental Leave Absence.
7. Agency records must be maintained in accordance with appropriate record retention policies.