

JUDICIARY HUMAN RESOURCES DEPARTMENT

FACT SHEET

PARENTAL LEAVE

(Reference: Judiciary's Policy on Parental Leave)

GENERAL INFORMATION & ELIGIBILITY

Effective January 2, 2019, the Maryland Judiciary implemented a Parental Leave program. Parental Leave allows the parent(s) of a child (or children) to take up to 60 days of paid leave to bond and care for their child after the birth or adoption. An employee does not have to work for the Judiciary for a specific amount of time to be eligible for Parental Leave and it is available to part-time employees.

FACTS & REQUIREMENTS:

- Parental Leave became effective on January 2, 2019.
- Parental Leave may not be applied prior to January 2, 2019.
- The full Parental Leave period begins on the date of birth or adoption, and continues for 60 consecutive days (480 hours) thereafter, to be used within six months.
- Any leave used after the birth date or adoption starts the Parental Leave period and counts towards the 60 days or 480 hours of Parental Leave.
- Employees must use their existing and earned leave first (except 28 hours of sick leave for use after the return-to-work).
- Parental Leave may not be used on an intermittent basis.
- Parental Leave supplements an employee's existing accrued leave, only if needed. It does not provide an additional 60 days of leave.
- An employee does not have to use the full 60 days of eligibility.
- It will need to be used concurrently with FMLA Leave.
- A Request for Parental Leave must be submitted in CONNECT.
- Initial Requests for Parental Leave must be approved by the employee's supervisor, Administrative Official, and Office of Employee Relations.

PARENTAL LEAVE & FMLA COMPARISON:

- ❖ FMLA leave is related to an illness, condition, or injury of a person or a qualifying family member, including pregnancy.
- ❖ Parental leave is only related to birth or adoption of a child, the triggering event is the birth/adoption only.

- ❖ FMLA can be taken prior to the birth of a child.
- ❖ Parental Leave can only be taken after the birth of a child.

- ❖ FMLA may be approved by HR within five (5) business days of submission.
- ❖ Parental Leave may be approved by HR after the birth of the baby only, even if forms are submitted in advance.***

- ❖ Employees on FMLA may have up to 480 hours of leave, but it is not paid leave. FMLA protects the employee's absences while experiencing an illness/injury or condition.
- ❖ The Judiciary will pay employees up to 480 hours of parental leave (if the employees have existing accrued leave, they must exhaust that leave first.) The use of existing leave is considered part of the employee's parental leave time.

- ❖ FMLA arises from federal law. You must work 1250 hours for one year for the Judiciary (or a state agency without a break of service) to qualify for FMLA.
- ❖ Parental leave arises from state law. There is no qualifying time.

RELATED ISSUES:

- Holidays are counted as a part of the 60 days of Parental Leave (Ex. If an employee requests leave from January to March, then he/she does not have 62 days due to the Martin Luther King Jr. and President’s Day, but instead has 60 days *including* holidays).
- The 60 days consists of working days only.
- Parental Leave must be coded on time sheets as Parental Leave. If using both Parental and FMLA Leave, the employee must code the time sheets with both types of leave.
- Employees may retain up to 28 hours of sick leave, which is recommended.
- Parental Leave may be used for each birth/adoption of a child.
- Parental Leave does not provide extra time for twins.
- Parental Leave allows spouses that work for the Judiciary to take up to one week concurrently. However, 60 days is the combined limit for spouses (not 120 days combined).
- Employees must continue to complete and submit a timesheet while on Parental Leave for approval by their manager or Administrative Official.
- Managers and Administrative Officials must ensure the correct Parental Leave codes are used on the employee’s timesheet.
- Employees will continue to accrue leave while on Parental Leave but the leave must be used first before Admin Parental Leave is provided.
- Employees are on Parental Leave from the first date of use of leave after the birth or adoption, even if they only use their accrued leave.
- Employees may take additional leave related to the birth of the baby if they have the leave or if they elect to go on Leave Without Pay and the time off is approved by the Administrative Official. The additional time after 60 days is not considered part of Parental Leave.

PARENTAL LEAVE EXAMPLE:

If Employee A has accrued 15 days of annual leave and 20 days of sick leave, he/she must exhaust those days first, except they may retain 28 hours of sick leave for use after the return-to-work. Therefore, Employee A’s use of Parental Leave for the entire 480-hour period, if he/she maintains 28 hours of sick leave, would consist of the following:

15 days (120 hours) days of Employee A’s Annual Leave will be used +

16.5 days (132 hours) of Sick Leave will be used (remaining 28 hours of sick leave)

Any leave earned during the period will be used

Judiciary will pay up to an additional 28.5 days (228 hours) of Admin Parental Leave for the employee’s remaining time off

TOTAL 60 days of Parental Leave or 480 hours

FOR QUESTIONS OR MORE INFORMATION:

If you have any questions, contact Employee Relations at 410-260-1732 (email: ER@mdcourts.gov) or consult the *Policy on Parental Leave* at mdcourts.gov, Human Resources page, Employee Handbook.