

**Idaho Division of Human Resources**  
Statewide Executive Branch Policy  
Section 10: Paid Parental Leave  
Effective: July 1, 2020

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**10A. General Information**

In accordance with the Families First Act, Executive Order 2020-003, eligible State of Idaho employees within the executive branch may use up to eight (8) weeks of paid parental leave due to the birth or adoption of a child, effective July 1, 2020. The purpose of this policy is to enable the employee to care for and bond with a newborn or newly adopted child.

Paid parental leave shall run concurrently with leave under the Family and Medical Leave Act (FMLA), as applicable. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of available FMLA leave. An employee will be eligible for paid parental leave even if the employee has otherwise exhausted their FMLA time prior to the birth of the child. If an employee becomes eligible for FMLA while on paid parental Leave, the employee must apply for and use FMLA.

**10B. Eligibility**

Eligible employees must meet the following criteria:

1. Have been employed with the State of Idaho for at least 12 months during the past seven (7) years (the 12 months do not need to be consecutive); AND,
2. Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date of the birth or adoption; AND,
3. Be a benefit-eligible employee (work more than 20 hours per week and be expected to be employed for more than five months).

In addition, employees must meet one (1) of the following criteria:

1. Be a new parent by childbirth<sup>1</sup>; OR,
2. Be the new adoptive parent of a child under the age of 18<sup>2</sup>; OR,
3. Be a parent of a child born by a surrogate mother; OR
4. Be an individual seeking to adopt a child after the birth of that child, but the adoption has not yet been finalized.

#### 10C. Use and Compensation of Leave

1. Eligible employees will receive a maximum of eight (8) weeks (320 hours for full-time employees) of paid parental leave for the birth or adoption of a child that must be used within 12 weeks after the birth or adoption of a child. Eligible employees working less than full-time will receive a pro-rated portion of paid parental leave corresponding to the percentage of hours they normally are scheduled to work.
2. An employee may not receive more than eight (8) weeks of paid parental leave in a rolling 12-month period. Multiple births within twelve months or adoptions do not increase the length of paid parental leave.

Employees may use paid parental leave continuously for eight (8) weeks or as a pre-defined reduced work schedule as long as it is used within 12-weeks of the birth or adoption of the child. Employees may not use parental leave intermittently, unless approved by their agency. If any agency approves intermittent use of paid parental leave, the leave must be used within 12 weeks of the birth or adoption of the child.

This provision does not bar individuals under the fourth qualifying reason when the adoption is not finalized, for whatever reason. Adoptive parents are not entitled to use more than eight (8) weeks of paid parental leave in a rolling 12-month period, but are exempt from the continuous leave requirement if the adoption is not final.

3. Each week of paid parental leave is compensated at one-hundred percent (100%) of the employee's salary at the time of the leave. Paid parental leave will be paid on regularly scheduled pay dates.
4. The state will maintain all benefits for employees during the paid parental leave period in accordance with any other paid leave such as paid vacation leave or paid sick leave. Employees will accrue Credited State Service (CSS) while on paid parental leave. If an employee taking paid parental leave is in a probationary status, the employee's probation may be extended the number an equivalent number of CSS hours as the leave taken.
5. Paid parental leave may not be donated to another state employee.

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<sup>1</sup> Surrogate mothers and sperm donors are excluded from this policy.

<sup>2</sup> The adoption of a new spouse's child is excluded from this policy.

## 10D. Request and Approval to Use Paid Parental Leave

1. Employees must provide at least 30 days' notice prior to taking paid parental leave, when foreseeable. Notice shall include the anticipated start date and expected duration of the leave. In situations where advance notice is not practicable, the employee shall notify the agency as soon as feasible. "As soon as feasible" would ordinarily mean the employee provides verbal notification to the employer within ten business days of the employee knowing of the need for leave.
2. Employees are required to provide legal documentation of the birth or adoption of a child within 30 days of the birth or adoption or as soon as it becomes available. The employee's name must be included as a legal parent on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Situations where a legal document cannot be provided at the time of birth or adoption, or within the required timeframe or a reasonable time thereafter, will be considered on a case-by-case basis by human resources.
3. Agency shall provide a determination to the employee regarding their request to use leave within 5 business days.
4. Paid parental leave may not be utilized if it will result in excess of the employee's normally scheduled workweek. For example, if a full-time employee plans to work a reduced work schedule but then works in excess of what was planned, the employee is required to reduce the number of parental leave hours coded during that workweek. That unused paid parental leave can still be used within 12 weeks after the birth or adoption of a child.
5. Employees working for agencies utilizing I-Time shall use the following Paid Parental Leave codes:
  - FMP – FMLA Paid Parental Leave
  - PAR – Paid Parental Leave

Employees working for agencies that do not use I-Time, should contact their respective payroll office to discuss proper coding of Paid Parental Leave.

## 10E. Use in Conjunction with Other Leave Types

1. **Family and Medical Leave Act.** Paid parental leave shall run concurrently with leave under the FMLA, as applicable. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of available FMLA leave per a 12-month period. An employee will be eligible for paid parental leave even if the employee has otherwise exhausted their FMLA time. If an employee becomes eligible for FMLA while on paid parental Leave, the employee must apply for and use FMLA.
2. **Accrued Leave Benefits.** Employees may utilize accrued sick, vacation and compensatory leave in accordance with those respective policies. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or adoption of a child, will be counted toward the 12 weeks of available FMLA leave

per a 12-month period.

3. **Unpaid Leave.** Unpaid leave will be considered in accordance with FMLA and other applicable federal and state laws.
4. **Short-Term Disability.** Employees should contact the Office of Group Insurance for information about short-term disability benefits.
5. **Donated Leave.** Employees are not eligible to receive donated leave while they are receiving paid parental leave but are eligible if parental paid leave is exhausted or not otherwise available.
6. **Qualifying Event During Seasonal Break in Appointment.** Eligible partial-year employees who experience a qualifying event during a seasonal break in their appointment, (such as faculty at institutions of higher education or seasonal employees of other agencies), are eligible for paid parental leave once they resume their active appointment status, for the remaining balance of time that remains in the 12 weeks since the qualifying event. For example, a partial year employee that has a birth or adoption of a child 8 weeks prior to the resumption of their active appointment, will be eligible for 4 weeks of paid parental leave, since 4 weeks of paid leave eligibility remains in the 12 week period since the birth or adoption.
7. **Other Leave Types.**
  - a. If a holiday occurs while an employee is on paid parental leave, such day will be coded to holiday pay and will not count towards the employee's paid parental leave entitlement or FMLA hours.
  - b. If the employee is on paid parental leave when the state authorizes paid administrative leave due to inclement weather and/or an office closure, that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.

#### 10F. Effect of Separation on Leave

1. Upon separation of an employee's employment with the state, he or she will not be paid for any unused paid parental leave for which he or she was eligible.
2. If an employee transfers to another state agency while on paid parental leave, the employee shall be eligible to use the remaining hours available to them at their new agency.

#### 10G. Effect of Leave on Probation Status

Employees who are on entrance or promotional probation while taking paid parental leave shall have their probationary hours extended equivalent to the amount of paid parental leave taken. Agencies must initiate a probation extension action through the payroll system immediately upon paid parental leave approval.

## 10H. Tracking and Reporting

Agencies are responsible for reviewing employee requests to take paid parental leave, approving or denying those requests, collecting and filing necessary documentation to support each request, monitoring the hours used, and ensuring timesheets are appropriately coded.