

# STATEWIDE PAID PARENTAL LEAVE POLICY



## DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



<b>POLICY NUMBER</b>	
<b>PRS:08</b>	
<b>EFFECTIVE DATE:</b> 01/01/2020	<b>ORIGINAL ISSUED ON:</b> 01/01/2020
<b>SUBJECT: STATEWIDE PAID PARENTAL LEAVE POLICY</b>	<b>REVISION NO:</b>
	<b>ORIGINAL</b>

### 1.0 PURPOSE

Pursuant to Executive Order 2019-036, the purpose of this policy is to provide the Department of Public Safety (DPS) Eligible Employees time following the birth, adoption/permanent legal guardianship of an employee's child. The leave is intended to allow Eligible Employees to care for and bond with their newborn or a newly adopted/permanent legal guardianship child(ren).

### 2.0 POLICY

It is the policy of the Department of Public Safety to provide Eligible Employees with a period of Paid Parental Leave for activities related to the bonding, care, and well-being of their newborn, newly adopted/permanent legal guardianship child(ren). Domestic Partners as defined by the State Personnel Board rules are eligible for the Paid Parental Leave benefit when a new child joins the household via birth or adoption/permanent legal guardianship.

### 3.0 APPLICABILITY

This policy is applicable to all commissioned and non-commissioned employees of the DPS.

### 4.0 REFERENCES

- A. Executive Order 2019-36
- B. New Mexico State Personnel Board Rules
- C. DPS Policy – ADM:15 Maternity / Paternity Leave
- D. DPS Policy – PRS:15 Absences Form Work

### 5.0 DEFINITIONS

- A. **Eligible Employee** - a full-time classified employee who has completed the one (1) year probationary period as defined by the State Personnel Board rules, or an exempt employee who has been employed with the State of New Mexico twelve

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(12) consecutive months, prior to the start of Paid Parental Leave, excluding temporary and emergency appointments. Commissioned employees must complete one (1) year of service following their graduation to be eligible for the benefit. Classified employees who complete their probationary period after January 1, 2020, exempt employees who complete twelve (12) months of consecutive service after January 1, 2020, or a commissioned employee who completed one (1) year of service following their graduation, will be eligible for Paid Parental Leave subject to the requirements set forth herein, including but not limited to the requirement that Paid Parental Leave be taken within six (6) months of the birth or adoption/permanent legal guardianship of the child(ren).

**B. FMLA Leave** - certain leave provided under the federal Family Medical Leave Act (FMLA) for employees who have been employed with the State of New Mexico for twelve (12) months and have worked at least 1,250 hours during the twelve (12) months prior to the start of FMLA leave. Reasons for FMLA leave include, but are not limited to, to care for and bond with the birth of a child or the adoption/permanent legal guardianship of a child.

**C. HR** - DPS's Human Resources.

**D. Paid Parental Leave** - a period of paid leave of absence (that does not reduce an employee's earned time balance) for the purpose of providing Eligible Employees additional flexibility and time to care for and bond with their newborn and newly adopted/permanent legal guardianship child(ren) under the age of 18. When applicable, will run concurrently with the leave under the FMLA.

### 6.0 PROCEDURE

#### A. Statewide Parental leave:

1. DPS will provide up to twelve (12) workweeks of Paid Parental Leave for all Eligible Employees following the birth or adoption/permanent legal guardianship of a child. This policy shall only apply to Paid Parental Leave taken on or after January 1, 2020. For example, if the birth, adoption/permanent legal guardianship of a child occurs prior to January 1, 2020, effective date, the Paid Parental Leave may be taken within six (6) months of the birth, adoption/permanent legal guardianship of a child, but the Paid Parental Leave may only commence after January 1, 2020, effective date.
2. If both parents or adoptive/permanent legal guardianship parents, including a Domestic Partner of a parent, or adoptive/permanent legal guardianship parent, of a newborn or a newly adopted/permanent legal guardianship child are Eligible Employees, each parent or partner is eligible to receive Paid Parental Leave under the terms of this policy.

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3. Eligible Employees must take Paid Parental Leave during the first six (6) months following the birth or adoption/permanent legal guardianship of a child. Any unused leave at the end of this 6-month period will be forfeited. Paid Parental Leave will have no cash value and will not result in a payout benefit. Paid Parental Leave may not be donated to another employee. Paid Parental Leave can be taken all at once or intermittently during this six-month period.
4. Eligible Employees may utilize up to twelve (12) workweeks per birth or adoption/permanent legal guardianship event. For purposes of this policy, an event is defined as a delivery or adoption/permanent legal guardianship of a child(ren). For example, if an Eligible Employee has a delivery of multiple newborns or adopts/permanent legal guardianship of multiple children at the same time, the employee would be eligible for up to twelve (12) workweeks of Paid Parental Leave for that event.
5. An employee cannot receive short-term disability benefits and paid parental leave benefits at the same time. If an employee is eligible for short-term disability benefits after giving birth to a child, the employee should complete the short-term disability and then may take paid parental leave within the six-month period above.
6. If an official holiday occurs during the Eligible Employee's Paid Parental Leave, the Eligible Employee will receive holiday pay in lieu of paid leave, provided the Eligible Employee is in paid status the day before and the day after the official holiday.
7. Paid Parental Leave taken under this policy shall run concurrently with leave under the FMLA. This means that, for example, when Paid Parental Leave taken under this policy falls under the definition of circumstances qualifying for leave under the FMLA, the Paid Parental Leave will be counted against the employee's 12-week FMLA leave entitlement. Employees should refer to DPS's PRS:15 – Absences from Work and ADM:15 – Maternity / Paternity Leave policy for further guidance and information on the FMLA. An employee shall be eligible for Paid Parental Leave even if the employee has otherwise exhausted their FMLA entitlement.
8. In all circumstances in which federal or state law provides for the greater family and medical leave rights than this policy, DPS will comply with those laws.

### **B. To apply for Paid Parental Leave, an Eligible Employee shall:**

1. Notify and discuss with the employee's immediate supervisor and HR in writing the employee's request for Paid Parental Leave at least thirty (30) days in advance of the birth or adoption / permanent legal guardianship of a child.

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When thirty (30) days' notice is not possible, the employee must provide this notice as soon as practicable.

2. Complete the Request for Paid Parental Leave form and submit the form to HR and the employee's immediate supervisor for review and approval. The form is available at the DPS Insider website.
3. Notify the employee's supervisor and HR verbally or in writing upon the birth or adoption / permanent legal guardianship of a child. This obligation is for any employee requesting Paid Parental Leave under this policy
4. Provide legal documentation of the birth or the adoption / permanent legal guardianship of a child to HR within thirty (30) days of the birth or the adoption / permanent legal guardianship or as soon as it is available. Situations where a legal document cannot be provided at the time of birth or adoption / permanent legal guardianship, or within the required timeframe or a reasonable time thereafter, will be considered on a case-by-case basis. Examples of legal documents that will be considered are: a report of birth, a birth certificate, adoptive/permanent legal guardianship placement agreement, or an adoption / permanent legal guardianship order. The legal documents provided shall at a minimum show the date of birth or date of adoption / permanent legal guardianship, the age of the child at the time, and the name of the parent(s). (Note: for birth of child(ren), DPS HR requires "proof of birth" within three (3) days of birth.)
5. As continuous Paid Parental Leave is used, HR will report the employee's Paid Parental Leave hours and will enter it in SHARE using the code "PdPrntLv" if FMLA leave is not applicable, or "FMLA PdPrntLv" when the employee is eligible for both FMLA leave and Paid Parental Leave to run concurrently.
6. As intermittent Paid Parental Leave is used, the employee's immediate supervisor will report the employee's Paid Parental Leave hours in SHARE using the code "PdPrntLv" if FMLA leave is not applicable, or "FMLA PdPrntLv" when the employee is eligible for both FMLA leave and Paid Parental Leave to run concurrently

### **C. Human Resources shall:**

1. Communicate available leave options with the employee upon receipt of a request for Paid Parental Leave, including FMLA leave if the employee is eligible for such leave.
2. Provide the requesting employee acknowledgment of the Request for Paid Parental Leave form and respond to the request once it has been reviewed by HR and the employee's supervisor.

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3. Keep the employee's immediate supervisor and/or Chain of Command apprised of any approvals, actions or revisions in a Paid Parental Leave request.
4. Keep completed and signed forms in the employee's personnel file.
5. Failure to comply with procedures listed in this section may result in delay or denial of an employee's request for Paid Parental Leave.

### 7.0 ATTACHMENTS

- A. Request for Paid Parental Leave Form

### 8.0 APPROVAL

APPROVED BY: s/Mark R. Shea      DATE: 01/01/2020  
DPS Cabinet Secretary