

## Program Overview

**Eligible employees** can:

- Receive **320\*\* hours (8 weeks) of paid time off**
- AND**
- Use up to **120\*\* hours of their available sick leave**

For the purpose of bonding with the employee’s or the employee’s spouse/domestic partner’s new child (birth, adoption, or foster care placement).

City-Paid Parental Leave and the use of available sick leave balances for City-Paid Parental Leave reasons must be **used and completed no later than 12 months from the birth or placement of a child** and employees are eligible to use each component **once per event/child per payroll calendar year**.

## Eligibility

**What are the eligibility requirements?** To be eligible, an employee must be full-time (35+ scheduled hours) and have at least 2,080 hours of service from the most recent date of hire.

**Who verifies eligibility?** Upon review of an employee’s Leave of Absence Request, Human Resources will determine eligibility for the City-Paid Parental Leave and update eWay to allow the use of the City-Paid Parental Leave and Parental Sick Leave on the employee’s timecard.

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| ABMEI<br>ALP<br>SJPDA<br>POPRA<br>UNIT 99/81/82<br>IAFF** | AEA<br>AMSP<br>CAMP<br>MEF<br>IBEW<br>OE3<br>POA |
|---|--|

\*\*Full-time employees who work a 56-hour schedule will receive a maximum total of four hundred and forty-eight (448) hours of paid time off and shall be eligible to use up to a maximum total of one-hundred and sixty-eight (168) hours of their available sick leave for City-Paid Parental Leave reasons.

## Application Process

**How do I apply to use Paid Parental Leave?** Employees must complete a **Leave of Absence Request 30 days prior** to the commencement of leave where possible and submit required documentation upon request by the City. Upon review of the Leave of Absence Request, HR will verify eligibility and update eWay to allow for the use of Protected Parental Leave (FPL), Unprotected Parental Leave (UPL), Protected Parental Sick(FPS) and Unprotected Parental Sick (UPS) based on the

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Bargaining Unit. If employees attempt to use FPL, UPL, FPS, or UPS without a review of eligibility, they will receive an error message within their timecard.

**What documents are required to verify eligibility?** Employees must submit documentation that shows the date of birth/placement and parent(s) name. For birth, this can be a Birth certificate, Certificate of Live Birth, or a medical provider note showing the names of parent(s) and date of birth. For adoptions/foster placement, this can be an official court-recorded document indicating the date of placement and the names of the parent(s)/guardian(s).

**Do employees need to provide required eligibility documents prior to being eligible to enter the Paid Parental Leave and/or 120 Sick leave hours?** No, HR will review and approve eligible employees based on information provided on the leave of absence request and request that employees e-mail or fax a copy of the required documentation to HR or their department as soon as possible. HR will follow up with the department and employee for missing documentation.

**Can employees use the paid parental leave or 120 sick hours without applying for a Leave of Absence?** No, employees must submit a Leave of Absence Request to apply for the use of the Paid Parental Leave and up to 120 hours of sick.

**How do employees apply to use the 120 hours of sick leave?** Employees must complete a Leave of Absence Request via eWay 30 days prior to the commencement of leave where possible and submit required documentation upon request by the City. Upon review of the Leave of Absence Request, HR will verify eligibility and inform the department timekeeper whether the employee is eligible. Employees should indicate the use of the Paid-Parental leave and up to 120 hours of Parental Sick Leave within the "[Leave Schedule](#)" prior to or immediately after submitting their request for bonding periods.

**Does the program apply to employees who have already taken leave for a qualified reason under Parental Leave? What if an employee already used 40 hours of Paid Parental Leave? Can they use the remaining?** If eligible\*, employees can amend their existing Leave of Absence Request or submit a new one to incorporate/add up to the current applicable Paid Parental Leave hours despite already starting their leave or being paid the 40 hours. No retro adjustments will be made to apply the new/updated paid parental leave program. Employee should work with their department timekeepers to amend their leave schedule and obtain approval for use prior to adjusting their timecard to incorporate the new program leave.

\*Effective September 17, 2023, AEA, AMSP, CAMP, MEF employees and ABMEI, ALP, POPRA, SJPDA, and Unit 99/81/82 employees became eligible to receive 320 hours City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2023.

\*Effective July 1, 2024, OE#3, IBEW, and IAFF became eligible to receive 320 hours City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2024.

\*Effective October 22, 2024, POA became eligible to receive and increase from 40 to 320 hours City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2024.

## Paid Leave Time Reporting

**What time code do employees use to report City-Paid Parental Leave and Parental Sick hours?**  
There are four Time Reporting Codes (TRCs):

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## City-Paid Parental Leave

- Protected Parental Leave (FPL)
- Unprotected Parental Leave (UPL)

## Use of Sick Leave

- Protected Parental Sick (FPS)
- Unprotected Parental Sick (UPS)

Your department timekeeper will advise whether to use protected or unprotected depending on your eligibility for Family Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA).

**Do employees need to use all 120 hours at once and how will that be tracked?** No, if an eligible employee does not request to use all the 120 allowable sick hours during a leave and wishes to use the remaining sick hours later, the employee will be required to apply for a new leave indicating the desire to use the remaining balance. Employee, department, and HR will refer to past leave data (request and payroll records) to confirm the number of remaining sick hours available for use under the program.

**Does the Paid Parental Leave and 120 Sick need to be taken continuously?** No, Paid Parental Leave hours and 120 sick hours are not required to be used consecutively; however, the time should be taken in a minimum duration of 2 weeks except for on 2 occasions the time off can be less than 2 weeks for all protected leaves, but at all times the time used must cover a full day.

**Can the use of paid parental leave span 2 pay periods?** Yes, it can be used consecutively over the employee's scheduled workdays.

**Are eligible employees required to use the Paid Parental Leave and 120 sick hours prior to the use of other paid leave?** There is no requirement to use the program prior to the use of other allowed paid leave time. Paid leave should be used as outlined in the [Use of Accruals by Leave Type Reference Chart](#). Once an employee chooses not to use or exhausts the Parental Leave, the use of accruals reverts to the required order of use.

**How often can I use the paid parental leave and up to 120 hours of sick?** Paid Parental Leave shall be provided once per event (birth/placement) per payroll calendar year.

**Are the Paid Parental Leave hours pensionable?** Yes, FPL, UPL, FPS, and UPS are all considered pensionable.

**If an employee is on an alternative work schedule, can they receive more than the allotted Paid Parental Leave hours if the week they take leave equates to more than 40 hours?** No, employees are entitled to use up to the total hours of City-Paid Parental as outlined by bargaining unit despite an alternate schedule "week" being greater than 40 hours.

**Are employees on Reduced Work Week (RWW) eligible for the City Paid Parental Leave and use of up to 120 sick hours if the reduced schedule is less than 35 hours per week?** Employees must

be on a 35+ hours per week schedule prior to their leave to be eligible. Employees who transition to a RWW due to their leave remain eligible.

**Are employees on Reduced Work Week (RWW) of 35 hours per week eligible for the full 40/320 hours of City Paid Parental Leave?** No, per the union agreements, full-time employees are eligible for City-Paid Parental Leave for a maximum of 8 weeks consisting of up to 320 hours. In this case, the employee's work week is 35 hours, and they are entitled to 35 hours of City-Paid Parental Leave per week.

**Are there limitations or consequences to using the time on a week that contains paid holidays or during the holiday closure?** City-Paid Parental leave can be taken before and after holidays and during unpaid holiday closure as long as it is used continuously before and after.

## Restrictions/Clarifications

**Why should an eligible employee utilize this program?** The program provides up to an extra 320 hours of city-paid leave. This helps employees receive paid leave without having to use their own accruals or go unpaid to bond with a new child. Also, prior to this program, employees were required to use vacation and not allowed to use sick time for the period of bonding. The program allows up to 120 hours of the employee's own sick time to be used for bonding, avoiding, or delaying the use of other leaves such as vacation and comp.

**Is the program intended to provide allotted hours of City Paid Parental leave and 120 hours of sick usage per qualifying event or per payroll calendar year?** Paid Parental Leave shall be provided once per event per payroll calendar year. Employees will not be eligible to use the City-Paid leave and up to 120 hours for bonding more than one time for the same event/child.

**Will all Paid Parental Leave and up to 120 hours of sick leave used under this program be protected under FMLA/CFRA?** In most cases, all leave provided under this program is required to run concurrently with qualifying leave under the federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); however, there may be occasions when an employee is no longer eligible for time off under FMLA/CFRA. In those cases, if eligible and approved by the employee's Department Director/designee, employees can use the Paid Parental Leave and 120 hours of sick time outside of protected leave.

**If an employee has exhausted all protected time under FMLA/CFRA are they eligible for the City Paid Parental Leave and up to 120 Sick Leave?** Maybe. An employee may be eligible to take the time off despite not being eligible for FMLA/CFRA if they meet the eligibility requirements and have not used the allotted Paid Parental Leave and 120 Sick within the calendar year. The time off would not be considered "protected" under Federal or State leave regulations and department approval is required.

**Does the program require the employee to take intermittent leave of a minimum 2-week duration each time except for 2 occasions for a duration of less than 2 weeks, as provided for**

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**in the City's Leave of Absence Policy?** Yes, in most cases, these paid leave programs run concurrently with FMLA/CFRA, so the same limitation would occur during the bonding period as long as the time off is a protected leave. If an employee's time off is unprotected, the minimum duration of 2 weeks except for 2 occasions for a duration of less than 2 weeks would not apply since the duration of leave is not defined in the City Leave of Absence Policy for unprotected leaves, but at all times the time used must cover a full day.

**Is the City-Paid Parental Leave payable to me if left unused year over year or upon separation?**

No, Paid Parental Leave is not an accrued benefit and is not subject to payout upon termination of employment. Thus, employees are not paid out their City-Paid Parental Leave when they leave the City and City-Paid Parental Leave may not be carried over beyond the end of the last day of pay period 26 for each payroll calendar year. City-Paid Parental Leave is a "use it or lose it" benefit based on the payroll calendar year.

**Will an employee be entitled to twice the amounts allowed under the program if they have multiple births/placements within a year?** No, employees are entitled to use the City-Paid Parental Leave and up to 120 Sick hours for the purpose of bonding only once per payroll calendar year.

**Should employees use the Paid Parental Program while on Pregnancy Disability Leave (PDL) or Long-Term Disability?** No, the City-Paid Parental Leave and up to 120 hours of sick are to be used for the purpose of bonding with a new child. During PDL, employees will be required to use their sick balances, then can choose to use other accrued paid leave. The requirement to use Sick is waived if employee is receiving wage replacement benefits, such as LTD. Employees should not use the City-Paid Parental Leave or 120 hours of sick for bonding if on wage replacement as this could be considered deductible income and impact wage replacement benefits.

## Resources and Links

- Human Resources [Leaves of Absence Website](#)
- [City-Paid Parental Leave Policy 4.2.7](#)
- [Use of Accrual Reference Chart](#)
- [Bargaining Unit Contracts](#) (Applicable to AEA, ABMEI, ALP, AMSP, CAMP, IAFF, IBEW, MEF, OE#3, POA, POPRA, SJPDA, Unit 84, and Unit 99)
- Human Resources Staff can be contacted at [HRBenefits@sanjoseca.gov](mailto:HRBenefits@sanjoseca.gov)

**Historical Program Changes:**

- Effective July 1, 2021, **OE#3, AEA, ALP, AMSP, CAMP, MEF, Unit 99/81/82 employees** became eligible to receive **40 hours** City-Paid Parental Leave Program.
- Effective August 7, 2022, **IBEW employees** became eligible to receive **40 hours** City-Paid Parental Leave Program. Effective January 1, 2023, **POA employees** became eligible to receive **40 hours** City-Paid Parental Leave Program.
- Effective July 1, 2023, **ABMEI, ALP, POPRA, SJPDA, and Unit 99/81/82 employees** became eligible to receive **160 hours** City-Paid Parental Leave Program.
- Effective September 17, 2023, **AEA, AMSP, CAMP, MEF employees and ABMEI, ALP, POPRA, SJPDA, and Unit 99/81/82 employees** became eligible to receive **320 hours** City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2023.
- Effective July 1, 2024, **OE#3, IBEW, and IAFF\*\*** became eligible to receive **320 hours** City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2024.
- Effective October 22, 2024, **POA** became eligible to receive and increase from 40 to 320 hours City-Paid Parental Leave Program. Allowed for use for births on or after January 1, 2024.

*\*\*Full-time IAFF employees who work a 56-hour schedule will receive a maximum total of four hundred and forty-eight (448) hours of paid time off and shall be eligible to use up to a maximum total of one-hundred and sixty-eight (168) hours of their available sick leave for City-Paid Parental Leave reasons.*

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