



Leave Policy: Paid Leave for Maternity/Paternity/Adoption

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Practice Note

Paid leave such as this is not required under federal law. Nevertheless, some particularly pro-family employers may choose to provide the type of paid leave covered by this policy. California has adopted the nation's first paid parental leave statute. Mandatory paid parental leave can pose a significant hardship for employers, who are effectively required to pay twice for the same amount of work. This is especially true for small employers that do not have the advantage of economies of scale. As a practical matter, paid parental leave is a relative rarity. For general information about paid parental leave, see the topics Adoption Benefits (www.shrm.org/hrdisciplines/benefits/Pages/AdoptionBenefits.aspx) and Family & Medical Leave (www.shrm.org/hrdisciplines/benefits/Pages/FamilyampMedicalLeave.aspx) in the Benefits Discipline (www.shrm.org/hrdisciplines/benefits/Pages/default.aspx), and in particular see Managing Paid Leave Benefits (www.shrm.org/templatestools/toolkits/pages/managingpaidleavebenefits.aspx).

Paid Parental Leave Levels

Maternity/paternity/adoption leave under this policy is a paid leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care. Maternity/paternity/adoption leave is not charged against the employee's other paid leave credits, and the amount of paid days received is four weeks. The paid leave is compensated at the following levels:

- Less than one full year of service—40 percent of salary.
- After one full year of service—60 percent of salary
- After five full years of service—100 percent of salary.

If both parents are employees, only one may access the paid benefits of this policy. Both, however, continue to be entitled to family and medical leave if eligible.

Temporary employees are not eligible for paid maternity/paternity/adoption leave under this policy.

Continuation of Benefits

Health insurance benefits will continue to be provided during the paid maternity/paternity/adoption leave under this policy at the same rate as in effect before the leave was taken regardless of length of service, provided the employee has at least one full year of service. Paid leave benefits will continue to accrue.

Requirements for Obtaining Paid Leave

The employee must provide to the department head 30 days' notice of the requested leave (or as much notice as practicable if the leave is not foreseeable), complete the necessary forms and file them with the human resource department.

After the four weeks of maternity/paternity/adoption leave have been exhausted, subsequent leave will be covered under appropriate policies. The Family and Medical Leave Act (FMLA) allows employees up to 12 workweeks of unpaid leave annually. Paid leave under this policy will run concurrently with FMLA leave. After paid maternity/paternity leave is exhausted, the employee is required to apply any other available paid leave, which will also run concurrently with FMLA leave.

Employees not eligible for FMLA leave should refer to the Leave of Absence Policy after the four weeks of paid maternity/paternity/adoption leave and any other paid leave have been exhausted regarding continuation of insurance coverage for employees on unpaid leave of absence.

This material is for informational purposes only and not for the purpose of providing legal advice. You should always contact your attorney to determine if this information, and your interpretation of it, is appropriate to your particular situation.

LEAVE MANAGEMENT | OTHER BENEFITS

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