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## **PARENTAL LEAVE FOR TSHRS EMPLOYEES FREQUENTLY ASKED QUESTIONS**

### **1) What is Parental Leave?**

Parental Leave is paid leave granted to an employee, who is the Primary Caregiver for the employee's child, within 6 months following the birth of a child or adoption of a child less than 6 years of age. Parental leave is a combination of the employee's accrued annual leave, allotted personal leave, and paid administrative leave.

### **2) What is a Primary Caregiver?**

A Primary Caregiver is an employee who is primarily responsible for the care and nurturing of the employee's newborn child who is under 6 months of age or adopted child who is under 6 years of age.

### **3) Is Parental Leave paid or unpaid?**

Parental Leave is a period of up to 60 days of paid leave. An employee who has been approved for Parental Leave will be required to exhaust all accumulated annual leave and allotted personal leave each pay period, and thereafter will be eligible to use paid administrative leave.

### **4) If an employee has available leave, can the employee apply for Parental Leave?**

Yes; however, administrative leave will only be granted to an employee after all available annual and personal leave is exhausted each pay period. If the employee has less than 60 days of annual and personal leave combined, the employee is eligible for additional paid administrative leave to attain the 60 days of Parental Leave. If the employee has 60 days or more of annual and personal leave combined, the employee is not entitled to take administrative leave.

### **5) Can an employee use Parental Leave at any time?**

No. Parental Leave must be used within 6 months of the birth or adoption of the employee's child.

### **6) Does an employee earn leave while on Parental Leave?**

Yes. Because Parental Leave is a paid form of leave, employees will continue to accrue leave while on Parental Leave.

### **7) Is an employee required to use their Family and Medical Leave Act (FMLA) entitlement while on Parental Leave?**

Yes. If applicable, Parental Leave will run concurrently with an employee's FMLA entitlement.

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**8) Can an employee use Parental Leave while approval from their Appointing Authority is pending?**

No. An employee may not use Parental Leave until it is approved by their Appointing Authority or Appointing Authority's designee.

**9) How long does it take to get a determination concerning a Parental Leave request?**

The Appointing Authority or the Appointing Authority's designee must render a decision on a Request for Parental Leave within 5 work days of receiving the request.

**10) Can Parental Leave be denied?**

Yes. Parental Leave may be denied for the following reasons:

- If the eligibility criteria are not met;
- If proper supporting documentation is not submitted;
- If the employee has a combination of 60 or more annual and personal leave days; or
- If the time period requested by the employee poses a significant operational disruption as determined by the Appointing Authority. The Appointing Authority may delay the start of Parental Leave, as long as the delay does not prevent the employee from taking 60-days of Parental Leave.

**11) Can Parental Leave be used on an intermittent basis?**

Yes. Parental Leave may be used intermittently, as long as it is used within 6 months of the birth or adoption of the employee's child.

**12) If Parental Leave is requested intermittently, does the employee need to provide the supervisor with advanced notice of the leave usage?**

Yes. Employees who take Parental Leave on an intermittent basis must provide their supervisor with a schedule of their requested leave days in advance of the usage.

**13) How should Parental Leave be coded in mTrack?**

Remark code "P" must be used in mTrack on all Annual Leave, Personal Leave, and Administrative Leave codes used during the period of Parental Leave.

**14) Can an employee still use up to 20 days of sick leave in accordance with TSHRS Policy 8H, Earned Sick Leave, §5.5 to care for the employee's newborn child or §5.6 to care for an adopted child placed with the employee?**

Yes. In addition to using up to 60 days of Parental Leave, an employee who meets the criteria set forth in TSHRS Policy 8H, §5.5 or §5.6 may use up to 20 days of their available sick leave to care for their newborn or newly adopted child.

**15) Can an employee request additional leave after exhausting the 60 days of Parental Leave?**

Parental Leave may not exceed 60 days; however, if an employee wishes to stay out longer than 60 days, the employee must request leave or leave without pay in accordance with established leave request procedures outlined in the applicable TSHRS policies. The request is subject to review and may be denied.

**16) Is there a maximum amount of Parental Leave allowed during an employee's State career?**

No. As long as the criteria for the use of Parental Leave is met, there is no limit during an employee's State career.

**17) If both parents are State employees, can they both use Parental Leave?**

State employees who are jointly responsible for the care and nurturing of a child each may be eligible to receive up to 60 days of Parental Leave, but they cannot be the child's Primary Caregiver during the same period of time.

**18) Does an employee need to be a member of the Leave Bank to be eligible for Parental Leave?**

No. Parental Leave is a separate leave option. If an employee elects to use leave granted from the Leave Bank, the employee's 60-day Parental Leave entitlement will be offset by the leave granted from the Leave Bank.

**19) If an employee gave birth or adopted a child prior to October 1, 2018, would the employee be eligible to apply for Parental Leave on or after October 1, 2018?**

Yes, if an employee gave birth to or adopted a child prior to October 1, 2018 (the effective date of the Parental Leave law), the employee is eligible to request Parental Leave on or after October 1, 2018. However, the leave will only be approved if it is taken within 6 months from the date of birth/adoption. Any annual or personal leave used between the date of birth/adoption and October 1 will be counted towards the 60-day maximum.

**20) If an adopted child turns 6 years old during the 6-month period after the date of adoption, can the employee continue to use Parental Leave?**

No, the employee is only eligible to use Parental Leave for an adopted child who is under 6 years of age.

**21) Do employees on a compressed work schedule get 60 days of leave based on their normal work schedule?**

No, the 60 days of Parental Leave is based on a regular 8-hour day. Full-time employees are eligible for up to 480 hours of Parental Leave. Employees who work a compressed work schedule are not afforded a greater leave benefit than other employees working a regular schedule.

**22) Is a part-time employee entitled to Parental Leave?**

Yes, the Parental Leave for a part-time employee will be prorated based on the percentage that the employee is employed.

**23) Can an employee use sick leave in lieu of requesting Parental Leave?**

Yes, an employee may use available sick leave in lieu of Parental Leave in accordance with TSHRS Policy 8H, Earned Leave, §5.5 or §5.6 or when sufficient medical certification is submitted to support the absence.

**24) If an employee requests Parental Leave during a new calendar year, will the personal leave allotted at the beginning of the year be used as a part of Parental Leave?**

Yes. All annual leave and personal leave must be exhausted each pay period, prior to using administrative leave. The total Parental Leave period may not exceed 60 days of combined annual, personal, and administrative leave within the 6-month period.

**For additional information, please contact your TBU Office of Human Resources.**