

Policy Number/Title:	4.1231 Paid Parental Leave
Effective Since:	10/01/2022
Last Revision Approved:	10/01/2022
Responsible Office:	Human Resources

1. Scope:

Employees who occupy all or part of an FTE are eligible for paid parental leave. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible for paid parental leave.

2. Definitions:

Child: A newborn child or foster of a child in state custody and under the age of 18 or a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.

Eligible State Employee: An employee occupying any percentage of a full-time equivalent (FTE) position as of the date of the qualifying event. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible for PPL.

Paid Parental Leave (PPL): Six weeks of paid leave at 100 percent of the eligible Winthrop employee's base pay or two weeks of paid leave at 100 percent of the eligible employee's base pay. Leave for part-time eligible Winthrop employees must be on a prorated basis corresponding to the percentage of hours the employee is normally scheduled to work.

Parent/Co-Parent: The legal, adoptive, or foster parent of a child.

Qualifying Event: The birth of a newborn child to an eligible state employee, co-parent's birth of a newborn child, fostering a child in state custody, or the initial legal placement of a child by adoption. **To qualify for PPL, the adoption, birth or foster care placement must occur on or after 10/01/2022, and the employee must be eligible for PPL on the day of the qualifying event.**

3. Policy:



THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Purpose

Section 8-11-150 (A) and Section 8-11-155 of the South Carolina Code of Laws provide six weeks or two weeks of paid parental leave (PPL) upon the occurrence of a qualifying event to employees who occupy all or part of a full-time equivalent (FTE) position. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible for PPL.

The purpose of this policy is to guide the administration of PPL.

Eligibility

To be eligible for PPL the employee must occupy all or part of an FTE position. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible for PPL. There is no service requirement to be eligible for PPL. Employees occupying all or part of an FTE position are immediately eligible for PPL.

Eligibility determinations are made as of the date of the qualifying event. Employees who do not meet all eligibility requirements on the date of the birth, adoption, or foster care placement are not eligible for PPL even if they later meet the eligibility requirements.

Employees who occupy FTE and work less than 12 months (e.g. regular 9-month faculty) are eligible for PPL even if the qualifying event occurs during the time they are not scheduled to work as long as the employee would otherwise be eligible on the day the event occurred. In this situation, the employee can receive PPL within 12 months of the

qualifying event but the PPL must be awarded during the time the employee is regularly scheduled to work. Employees cannot receive PPL during the time they are not scheduled to work.

To qualify for PPL, the adoption, birth, or foster care placement must occur on or after 10/01/2022, and the employee must be eligible for PPL on the day of the qualifying event.

An eligible Winthrop employee can receive six weeks or two weeks of paid parental leave



within 12 months of the date of a qualifying event. An eligible employee shall receive no more than one occurrence of six or two weeks of PPL for any 12-month period, even if more than one qualifying event occurs. The employee will be eligible for another PPL

12 months from the last day PPL was used for a previous event. When an employee experiences a second qualifying event within the same 12-month period, the start date of PPL for the second qualifying event cannot begin until 12 months after the last day PPL was used for the previous event.

Regardless of the qualifying event (adoption, birth, or foster care placement), the entitlement to PPL expires at the end of the 12-month period which begins on the date of the qualifying event. If the leave is not used before the end of the 12-month period after the birth, adoption, or foster placement, the leave does not accumulate for subsequent use.

Any leave remaining at the end of the 12-month period or at separation of employment is forfeited and the employee is not paid out for the leave. PPL cannot be donated.

Winthrop cannot elect to provide PPL to a non-FTE employee (temporary, temporary grant, time-limited, or other non-FTE employee.)

Leave Amount

The amount of PPL available depends on the qualifying event (adoption, birth, or foster care placement) and the relationship of the employee to the child. Employees occupying all or part of an FTE position are eligible for PPL as described below:

• *Adoption:*

- Employees occupying all or part of an FTE position and who are primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 on or after 10/01/2022, are entitled to six weeks of PPL.
- Employees occupying all or part of an FTE position and who are not primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 on or after 10/01/2022, are entitled to two weeks of PPL.
- Only one eligible Winthrop employee may be designated as the parent primarily responsible for furnishing the care and nurture of a child.

• *Birth:*

- Employees occupying all or part of an FTE position and who give birth to a child on or after 10/01/2022, are entitled to six weeks of PPL.
- Employees occupying all or part of an FTE position and whose co-parent gives birth to a child are entitled to receive two weeks of PPL.

• *Foster Care:*



- Employees occupying all or part of an FTE position and who foster a child under the age of 18 in state custody are entitled to receive two weeks of PPL.

Paid Parental Leave Usage

Employees do not have to exhaust all other forms of leave before being eligible to take PPL. If both parents are eligible state employees, PPL may be taken concurrently, consecutively, or at a different time. No child may have more than two parents eligible for PPL.

If an employee requires leave before the birth, adoption, or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances must be utilized in accordance with the agency's leave policy. PPL may not be used before the qualifying event.

Winthrop holidays are not counted against PPL.

PPL is paid at 100 percent of the eligible employee's base pay. This does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay.

• Adoption and Birth:

- Leave taken for an adoption or birth must be taken consecutively. Therefore, once leave commences, employees must continue leave until the leave is exhausted or they choose to return to work. Any leave remaining when the employee returns to work is forfeited.

• Foster Care:

- Leave for foster care placement may be taken consecutively or upon request and approval in two, one-week, increments. The employee is not permitted to take leave in increments smaller than one week.

An eligible employee shall receive no more than one occurrence of six or two weeks of PPL for any 12-month period, even if more than one qualifying event occurs during that period. However, an eligible employee may be able to use PPL for two qualifying events that occur within the same 12-month period so long as the start date of the second period of PPL is at least twelve months from the end date of the first period of PPL.

Paid Parental Leave and FMLA Leave

PPL must run concurrently with leave taken pursuant to the Family Medical and Leave Act (FMLA) and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event.



However, employees are eligible for PPL even if they have exhausted their FMLA leave, or are not eligible for FMLA coverage at the time of the qualifying event.

If an employee becomes eligible for FMLA leave while on PPL, the employee must use FMLA leave, and the PPL runs concurrently with FMLA leave.

Payment While Using Paid Parental Leave and Accrual of Other Leave Types

The hours of PPL are calculated based on the employee's average workday.

Eligible employees accrue annual and sick leave at the normal rate and receive holiday pay while on PPL, if applicable.

Requesting Paid Parental Leave

Employees must complete and sign the PPL Request Form and submit it, along with the required documentation, to the Office of Human Resources, Employee Diversity, and Wellness.

Request to use PPL should be submitted at least 30 days prior to the qualifying event. If 30 days' notice is not possible, an employee is required to provide notice as soon as practical.

Employees may withdraw their request for PPL at any time prior to the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the initial request must be submitted in writing.

Upon receiving a request for PPL and documentation following the birth or placement of a child, the Office of Human Resources, Employee Diversity, and Wellness will notify the employee of their eligibility status within five (5) business days or as soon as is practical.

Required Documentation

The documentation required for PPL is provided in the table below. The employee is required to supply only one form of documentation and may choose which documentation to provide based on the applicable qualifying event.

Qualifying Event

- **Adoption**
- Adoption order and/or agreement confirming the initial date of placement.
- **Birth**
- Birth Certificate or Proof of Birth
- Certified DNA Results



- Custody Order
- **Foster Placement**
- Foster Care Placement Agreement
- Custody Order

Employees must submit the required documentation to receive PPL within thirty (30) days of the birth, adoption, or foster care placement or as soon as is practical after the documentation becomes available. Employees may be permitted to begin using PPL on the date of the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within thirty (30) days of the event, employees will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on leave without pay for the period they were absent from work. Please note the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

All documents must include the date of the qualifying event and reflect that the employee is a legal parent of the child.

4. Procedures:

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5. Resources:

<https://www.winthrop.edu/uploadedFiles/hr/PaidParentalLeaveFAQs.pdf>

<https://www.winthrop.edu/uploadedFiles/hr/forms/PaidParentalLeaveRequestForm.pdf>

6. History of Revisions:

10/01/2022 Policy first established

7. Approvals:

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:



President Signature/Date: