

## THE POPULATION COUNCIL'S LEAVE OF ABSENCE POLICY

### Summary

The Council provides for leaves of absence in the following instances: parent leave, jury duty, compassionate leave, and leave without pay. In addition, the provisions of the Family and Medical Leave Act (FMLA) and State Paid Family Leave (PFL) are covered under Council policies. A staff member wishing to take a leave of absence should inform Human Resources.

### A. PARENT LEAVE

The Council's parent leave policy is designed to give all staff members time to make the initial adjustments accompanying the arrival of a new child. The policy covers adoptions, legal guardianship of a minor, and foster children as well as births. This benefit is provided only to those staff members who fully intend to return to work at the Council. Since short-term disability insurance covers childbirth, the Council will file claims for reimbursement under this benefit in cases of childbirth. FMLA (see FMLA section below), short-term disability and the Council's paid parent leave benefit run concurrently. Paid Family Leave (PFL) benefits are also available to staff members based in a state that provides PFL benefits.

**Eligibility:** Full-time staff, and part-time staff members working a regular schedule of at least 20 hours per week in an assignment of 6 months or longer, are eligible for thirteen (13) weeks of Council-paid parent leave benefits. This benefit is available as of date of hire.

The thirteen (13) weeks of Council paid parent leave begins on the date of birth (or adoption/guardianship/fostering) of the child. The thirteen (13) weeks may be taken in a single continuous unit of time or it may be taken in two to four week blocks of time within six months of the birth/adoption/fostering of a child.

To remain on pay beyond the thirteen (13) weeks of Council-paid parent leave, staff members may use accrued vacation time and/or leave without pay. Staff members who work in a state that provides paid family leave benefits may also claim benefits available under the state. Human Resources will provide information and assistance related to state paid family leave benefits.

Council policy assumes a normal, healthy pregnancy. In instances where there are medical complications, the staff member's physician may recommend short-term disability prior to delivery. In this case, the staff member may use sick leave to stay on full pay during the period of medical disability.

A staff member wishing to leave earlier than the due date should charge time to annual leave, sick leave (if applicable), or leave without pay.

**Adopted or Foster Children:** If a staff member adopts a child or brings a foster child or minor ward into their home, they are entitled to parent leave in accordance with the Council's paid parent leave benefit of thirteen (13) weeks of full pay.

The purpose of the Council's adoption/guardianship/foster child policy is to help reduce stress during the period of adjustment when the child is brought to their new home. Consequently, this policy does not apply to children who, although newly adopted, have been living in the home.

**Benefits During Parent Leave:** Vacation and sick leave accruals are suspended during the thirteen (13) weeks of Council-paid parent leave. Commuter benefits, worker's compensation and travel accident insurance are also suspended. All other benefits continue.

**Length of Parent Leave:** Council paid parent leave is a period of up to 13 weeks of paid leave. In addition, Paid Family Leave (PFL) benefits are available in some states and the benefit is subject to the state guidelines. State Paid Family Leave benefits are paid directly to the staff member.

Continuous leave after the birth of a child (or arrival of adopted/foster child or minor ward) may be taken for a period of up to six months utilizing the options above or unpaid leave. Staff members are expected to communicate with their supervisors regarding their plans well in advance of taking leave.

Some additional benefits will be discontinued when a staff member is not actively at work (for non-medical reasons) for three continuous months (12 weeks) or longer; consult Human Resources for details.

## **B. JURY DUTY**

The Council encourages staff members to exercise their civic responsibilities when called for jury duty by granting time off with pay for the term of such duty. Staff members who are on leave for jury duty are expected to report for work whenever their presence is not required by the court. Upon completion of jury duty, attendance records provided by the court must be submitted to Human Resources. Jury duty fees paid to the staff member may be retained by the staff member.

## **C. COMPASSIONATE LEAVE**

Compassionate leave of up to five days may be granted by the Council to staff members who must be away from work because of a death or critical illness or injury of an immediate member of the family or domestic partner. Leave time must be reported on time sheet and approved by the supervisor(s). In the

instance of a second serious illness or death of the same immediate family member or domestic partner, any leave time must be charged against vacation or without pay.

- **Critical Illness or Injury** is defined as one in which death is imminent or likely to occur as based on competent medical opinion.
- **Immediate Family** is defined as spouse, child, parent (including in-laws), or sibling (including step-sibling).
- **Domestic Partner** is defined as a single member of the immediate household with whom the staff member has a significant relationship that can be documented, such as beneficiary status on an insurance policy, or other documentation that may be requested by the Council at its discretion. The final decision on eligibility for compassionate leave is made by the Council.

#### **D. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Under the Family and Medical Leave Act (FMLA), Council staff members may take up to 12 weeks (16 weeks for staff in Washington, DC) of unpaid leave during a 12-month period in the case of a substantiated serious health condition of a family member (parent, spouse or child); substantiated serious illness of a staff member; or the birth or adoption of a child or the arrival of a foster child.

To be eligible for unpaid leave under FMLA, the law states that an employee must have worked for an organization for at least 12 months prior to the request and must work at least 24 hours per week. (Council policy allows staff who work at least 20 hours per week to take leave under FMLA.)

Council policies on parent leave and leave from illness of a staff member or family member go beyond the FMLA (see Parent Leave described above, **Sick Leave and Disability**). In addition, for substantiated serious health conditions of a family member, the Council has extended the definition of family member to include domestic partner. (For a definition of "domestic partner" see **Compassionate Leave**).

For all FMLA-related leave, the Council will require a certificate from the staff member's (or family member's) physician.

**Military Family Leave Entitlements:** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counselling sessions and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Staff returning from approved FMLA leave within a 12/16-week period will be restored to the same position held prior to taking FMLA leave, or to an equivalent position with equivalent benefits and salary.

**Council Benefits During FMLA:** During FMLA with pay, health insurance, life insurance, AD&D, leave accruals and pension benefits continue. All other benefits discontinue.

#### **E. STATE PAID FAMILY LEAVE**

Paid Family Leave (PFL) benefits are available in some states, including New York and the District of Columbia. Benefits are subject to state guidelines and paid directly to the staff member. Staff members who work in a state other than NY and DC who may be eligible for state paid family leave benefits will receive information from Human Resources about the benefits available under their state.

Staff returning from PFL leave will be restored to the same position held prior to taking PFL leave, or to an equivalent position with equivalent benefits and salary.

For all PFL-related leave, the staff member will complete various forms, provide the required documentation, and send to Human Resources for submission to the PFL insurance carrier. The PFL forms are available in Human Resources. PFL can be taken on a continuous or intermittent basis. Please contact Human Resources for additional information and assistance in filing the appropriate claim forms.

**Council Benefits During PFL:** During PFL, health insurance, life insurance, and AD&D continue. All other benefits discontinue.

**Health Premium Contributions:** The employee health premium contributions will continue while a staff member is on paid status. Staff members on leave without pay will pay retroactive premiums once they return to paid status.

### **New York Paid Family Leave (NYPFL)**

On January 1, 2018, the New York Paid Family Leave law became effective for employees based in New York. Paid Family Leave (PFL) is an employee funded insurance that provides job-protected, partially paid time off to bond with a newly born, adopted, or fostered child; to care for a family member with a serious health condition, or to assist loved ones when a family member (spouse, child, domestic partner, or parent) is called to active military service abroad.

As mandated by law, PFL is employee funded and eligible New York staff members should expect to pay a weekly payroll deduction for this benefit.

#### **Eligibility:**

- Staff members in New York with a regular work schedule of 20 hours or more per week are eligible after 26 consecutive weeks of employment.
- Staff members in New York with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.

#### **Benefits:**

The Paid Family Leave benefit payment schedule provides the following:

- **2022 – 67% of average weekly wage for 12 weeks to a maximum weekly benefit of \$1,068.36.**
- **2023 – 67% of average weekly wage for 12 weeks to a maximum weekly benefit of \$1,131.08.**

NY Paid Family Leave (for US-based staff) to bond with a child must be taken within 12 months of the date of birth/adoption/fostering of the child.

NY Paid Family Leave (for US-based staff) may also be taken to care for a family member with a serious health condition or when a family member is called to active military service abroad.

For the most up-to-date information regarding NYPFL, please visit: <https://paidfamilyleave.ny.gov/>

### **District of Columbia's Paid Family Leave (DCPFL)**

On July 1, 2020, the **District of Columbia's Paid Family Leave** law became effective. Under DC Paid Family Leave (PFL), there are three types of eligible events an employee may qualify for during the year:

- **Pregnancy** – up to 2 weeks to care for your pregnancy
- **Parental leave** – up to 12 weeks in a year to bond with a new child.

- **Family leave** – up to 12 weeks in a year to care for a family member with a serious health condition.
- **Medical leave** – up to 12 weeks in a year for the employee’s own serious health condition.

The maximum amount of PFL leave that may be taken in a year is 12 weeks for all leaves combined. The maximum weekly benefit amount for employees on PFL is \$1,049. DC PFL is fully funded by an employer payroll tax.

For the most up-to-date information about DCPFL, please visit: <https://dcpaidfamilyleave.dc.gov/>

#### **F. LEAVE OF ABSENCE WITHOUT PAY**

All other requests for leave of absence without pay will be considered on a case-by-case basis and will be extended by the Council only in situations where fully justified. The purpose of the leave, length of service with the Council, and general performance record will be taken into consideration in granting a staff member's request for a leave of absence without pay.

During any leave of absence without pay, vacation and sick leave accruals, travel accident insurance, and holiday pay are suspended. Some benefits will discontinue during non-medical leave of absence of 3 months or longer (for example, long-term disability). Staff members will be expected to continue to pay for his/her share of health insurance premium contributions.