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## PAID PARENTAL LEAVE (PPL) FREQUENTLY ASKED QUESTIONS

The answers in these FAQs are intended to provide guidance to Executive Branch agencies in the State of Georgia.

### **(1) What is the effective date of the paid parental leave law?**

The state law establishing paid parental leave for eligible state employees becomes effective July 1, 2021.

### **(2) Is PPL retroactive?**

Paid parental leave cannot be granted for absences that occurred prior to the effective date of the state law (July 1, 2021), but the leave can be taken based on a qualifying event that occurs prior to the effective date. Leave must be taken in the 12-month period following the initial qualifying event (but, again, the leave cannot occur before the July 1, 2021, effective date).

### **(3) If an employee qualifies for both PPL and FMLA leave, what is the total number of weeks that can be taken?**

Rule 16 includes the following provision:

If an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act (FMLA) (see Rule 478-1-.23, *Family and Medical Leave*), an agency may, by written policy, require paid parental leave to run concurrently with FMLA leave.

If the agency adopts such a policy, and the employee is eligible for FMLA leave at the time PPL begins, the total of PPL and FMLA leave could not exceed 12 weeks. However, because an employee is eligible for PPL before he or she becomes eligible for FMLA leave, a new employee who takes PPL prior to becoming eligible for FMLA leave may be entitled to as much as 15 weeks.

### **(4) If an employee is eligible for FMLA leave for birth, adoption, or foster care placement and also has accrued leave to apply to the absence, in what order should the agency apply paid leave? Should the agency apply PPL before accrued paid leave?**

An agency should accommodate an employee's preference of order between the use of accrued leave or PPL to cover the FMLA-eligible absence for the birth, adoption, or foster care placement of a child. If an employee expresses no preference of order, PPL should be applied first.

### **(5) Will there be a PPL leave code for use in Base Benefits?**

Yes. These adjustments will be made by the effective date of the statute, July 1, 2021. More information will be provided by SAO.

### **(6) Will the leave management system load PPL the way it loads education support leave?**

No. PPL is not based on the fiscal year, so the leave will not automatically appear in the system at the beginning of each fiscal year.

**(7) State Personnel Board Rule 23, *Family and Medical Leave*, contains a statement that for the purpose of eligibility determination, the state is considered one employer. Is that the same for PPL?**

Yes. An employee could combine service across more than one employing entity to meet the eligibility requirement.

**(8) Is an eligible employee limited to a maximum allotment of 120 hours of PPL in a 12-month period if transferring to another employing entity within the state, or would the 120 hours start over each time an eligible employee transfers?**

An eligible employee is limited to a maximum allotment of 120 hours of PPL in a 12-month period even when transferring to another employing entity within the state. As a result, it is the responsibility of the employer to conduct due diligence to ensure that the employee has not used his or her 120-hour allotment prior to approving the request for leave.

**(9) State Personnel Board Rule 23, *Family and Medical Leave*, has a spousal limitation clause. Will that apply to PPL as well, or can a state-employed couple use a maximum of 120 hours each?**

State law contains no spousal limitation on the amount of PPL, so married state employees could be eligible for a combined total of 240 hours of PPL. The 12-week combined total of FMLA leave still applies, however, and the agency may, by written policy, require PPL to run concurrently with FMLA leave.

**(10) Does PPL apply toward the 1,250 hours of work necessary for eligibility for FMLA leave?**

No. State Personnel Board Rule 23, *Family and Medical Leave*, states that “holidays and time spent on paid or unpaid leave or suspension do not count toward the 1,250 hours.”

**(11) Can an eligible employee take PPL for prenatal medical appointments?**

No. Under FMLA, prenatal care appointments (as well as incapacity due to morning sickness and medically required bedrest) are considered serious health conditions for which the mother is taking time off. The state law establishing PPL specifies only the following three qualifying events:

- (a) birth of the employee’s child,
- (b) placement of a minor child for adoption with the employee, and
- (c) placement of a minor child for foster care with the employee.

Prenatal care appointments and absences due to medical conditions during pregnancy do not fall under the qualifying event of the birth of a child.

**(12) May an agency require an employee to take PPL only in a continuous block?**

No. Although an agency may have a policy that requires FMLA leave for the birth of a child or placement of a child for adoption or foster care to be taken in a continuous block, the state law establishing PPL contains no such limitation.

**(13) Is there a limitation on approving PPL to be taken on an intermittent basis?**

Paid parental leave, whether taken in a continuous block or on an intermittent or reduced-schedule basis, must be taken within 12 months of the initial qualifying event.

**(14) Is PPL prorated for hourly employees?**

No. The state law does not provide that leave for hourly employees must be prorated. All eligible employees may use up to 120 hours of PPL.

**(15) Can an employee receive PPL while on short-term disability?**

The State's short-term disability provider has indicated that an employee cannot be paid for short-term disability and PPL at the same time. See Appendix A on the following page which contains a memo from the State's short-term disability provider.

**(16) Under the Code of Federal Regulations (specifically, 29 C.F.R. § 825.121), an employee who has to travel to another country to adopt a child would be legally entitled to take FMLA leave. Would PPL also apply in this situation?**

The Paid Parental Leave law does not specify what activities are included in "placement of a minor child for adoption with an eligible employee" or "placement of a minor child for foster care with an eligible employee"; therefore, an agency must use its discretion in determining whether an activity will be an approved use of PPL. Such determinations should be made in consultation with legal counsel and applied consistently.



## APPENDIX A

### State of Georgia

*Topic: Paid Parental Leave Interaction with Short Term Disability (STD)*

Purpose: outline how STD policy will interact with SOG Paid Parental Leave for both birth and non birth parents

Policy: 642967

#### **Policy Language Applicable: Limitations**

**(B under the above provision, page 14 in Certificate of Insurance)**

*Sick Leave, Donated Leave, Special Injury Leave Or Any Other Salary Continuation*

*No STD Benefits will be paid for Eligible Employees (excluding members of the General Assembly, Constitutional Officers and employees of an appropriate Judicial Branch) for any period when you are receiving sick leave, donated leave, special injury leave or any other salary continuation (but not vacation pay) from your Employer.*

*(This above language would apply to any of SOG's paid leave programs if disability were involved at the same time).*

**Basic Information:** Short Term Disability may be payable during the ante partum period and/or post partum period associated with pregnancy disability for birth parent.

#### Birth Parent during disability:

During the period of disability for child birth, The Standard would not be able to pay the disability benefit if the claimant is receiving income from the Paid Parental Leave.

#### Birth Parent after disability ends:

Following the end of the disability period, the Paid Parental Leave would not impact the STD benefit.

Non birth Parent after disability ends:

Following the end of the disability period, the Paid Parental Leave would not impact the STD benefit

Non birth Parent No disability:

Paid Parental Leave would not interact with Standard as no disability benefit is involved.

**\*\* Important Point of Interest**

- 1) Employee cannot receive both monies for STD benefits and PPL at the same time and may end up owing Standard back for any funds paid by Standard if this occurred. As a result, consideration should be given to employee filing PPL following (not during) Short Term Disability benefit period.**