



## Administrative Regulations

### Office of the Mayor

**Title:** PAID PARENTAL LEAVE POLICY

**A.R. Number:** 4.3-A Effective **Date:** 4/8/2023 Page 1 of 6

**Supersedes:** Paid Parental Leave A.R.: 4.3-A DATED: 07/01/2019

#### I. Purpose

To optimize the health and well-being of parents and children, and to help employees balance work and family matters, the City of Richmond provides up to eight (8) workweeks of paid leave for the care of and bonding with a new child, and up to four (4) workweeks of paid leave for the care of a parent with a serious health condition.

Paid Parental Leave (PPL) is provided to city employees who meet the eligibility for leave under the Family and Medical Leave Act (FMLA) and works in conjunction with the City of Richmond's Family and Medical Leave Act Policy. The city reserves the right to modify or terminate this benefit, in whole or in part, in such manner as it shall determine.

The City of Richmond remains deeply committed to our working families and an inclusive culture that supports all employees in balancing work and family matters. This paid leave benefit is intended to enhance the city's efforts to retain and attract a diverse, skilled, and engaged workforce.

#### II. Policy

This policy provides leave benefits to eligible employees as follows:

##### 1. Paid Parental Leave – Bonding

PPL provides eligible employees up to eight (8) workweeks of paid leave in a twelve (12)-month period for the birth of a child and to care for the newborn child, or the new placement of a child for adoption or foster care and to care for the newly placed child.

##### 2. Paid Parental Leave – Parent with Serious Health Condition

PPL provides eligible employees up to four (4) weeks of paid sick parent leave within a twelve (12)-month period to care for a parent with a serious health condition as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).<sup>1</sup>

PPL shall run concurrently with any leave taken under FMLA for the same qualifying event.

The city may take disciplinary action, up to and including termination, against an employee who uses PPL for purposes other than those described in this policy.

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<sup>1</sup> See Administrative Regulation 4.3, Family and Medical Leave Act (FMLA):  
<https://www.rva.gov/sites/default/files/2019-12/AdminRegs4-03.pdf>



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### **III. Eligibility**

To be eligible for PPL, city employees must meet ALL the eligibility criteria for FMLA as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).

In addition, an employee must meet one of the following criteria:

1. Has given birth to or biologically fathered a healthy child.
2. Be a spouse of the birthing parent.
3. Has adopted a child or been placed with a foster child. An employee who adopts a spouse's child(ren) is not eligible for PPL.
4. Is caring for a sick parent with a serious health condition as defined in Administrative Regulation 4.3, Family and Medical Leave Act (FMLA).

All eligible part-time employees will receive PPL proportionate to the average number of hours worked per week during the past twelve (12) months (e.g., Employee A is working full-time, forty (40) hours per week and is eligible for forty (40) paid hours each week for the awarded weeks. Employee B is part-time working twenty (20) hours per week and is eligible for twenty (20) paid hours each week for awarded weeks).

### **IV. Workweek Determination**

Eligible employees will receive PPL in workweek increments and must be used within a twelve (12)-month period for the qualifying event.

A workweek of PPL is defined as follows:

1. For employees working a forty (40)-hour workweek, a workweek of PPL is forty (40) hours.
2. Firefighters who work one hundred twelve (112) hours bi-weekly shall be granted eight (8) workweeks (448 hours) of PPL.

### **V. Use of Leave**

1. PPL will be based on employee's base salary.
2. PPL must be used in conjunction with FMLA leave.
3. PPL shall run concurrently with FMLA leave.



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4. PPL shall be taken in weekly increments.
5. If a City of Richmond holiday occurs while the employee is on PPL, the holiday will be counted as part of the workweek of PPL and will not extend the total PPL time.
6. PPL may be taken intermittently. Intermittent weeks selected require departmental approval and must conclude within twelve (12) months after the qualifying event.
7. Once the employee's PPL has been exhausted, the employee is required to use any paid leave accruals (sick, vacation, or compensatory time) in conjunction with any remaining leave taken under FMLA. If the employee's paid leave accruals are exhausted, the remainder of any FMLA leave will be unpaid.
8. PPL will be based on the employee's FMLA eligibility balance. For example, if a full-time employee only has a remaining FMLA balance of three (3) weeks, the employee will only be eligible for three (3) weeks of paid parental leave.

#### VI. Special Cases / Restrictions

1. **Spouses who both work for the city.** Eligible spouses who both work for the City of Richmond are limited to a combined total of eight (8) workweeks of PPL – Bonding.
2. **Surrogacy.** A surrogate who gave birth is not eligible for PPL but may use FMLA, if eligible, for their care of their own serious health condition related to the pregnancy and birth of a child. However, an employee who is becoming a new parent because of a surrogacy is eligible to use PPL to bond with the new child.
3. **Multiple children.** A multiple birth, adoption, or placement (e.g., the birth of twins or adoption of siblings) does not increase the eight (8) workweek total amount of PPL granted for that event. In addition, in no case will an employee receive more than eight (8) workweeks of PPL in a twelve (12)-month period, regardless of whether more than one birth, adoption, or foster care placement event occurs within that twelve (12)-month period.
4. **Stillbirth.** In the unfortunate event of a stillborn birth, the birthing mother and non-birthing parent are eligible for two (2) workweeks of PPL and may request FMLA leave. Leave must be continuous. A stillbirth is defined as fetal death at or after twenty (20) weeks of pregnancy.
5. **Miscarriage.** In the unfortunate event of a miscarriage, the employee would not be eligible for paid leave but is eligible for up to three (3) consecutive days of Bereavement



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Leave and may request FMLA leave. A miscarriage is defined as the loss of a fetus before the twentieth (20th) week of pregnancy.

#### VII. Procedures

1. Due to unique operational needs and service requirements, each department head or director is authorized to limit the number of employees using PPL during any period where there is limited staffing to maintain adequate staffing levels. Employees are expected to provide a thirty (30)-day notice of the request for PPL. However, if an employee experiences an unforeseeable birth, adoption, or placement during limited staffing periods, the employee is to inform the department of the emerging event to request consideration for PPL.
2. Employees must seek approval for use of PPL. Departments are expected to attempt to honor a PPL request for qualifying events that occur within four (4) weeks of the request. If that is not possible, the department is to work with the employee to determine alternative dates that can be approved.
3. The employee must complete contact the Department of Human Resources (HR) and provide all request forms and documentation as required by the HR department and their department/timekeeper.
4. PPL approval notifications will be sent to the HR department, the departmental Timekeeper, and the employee's supervisor by the HR FMLA point-of-contact so that the appropriate leave categories can be designated/tracked. This should be done within fifteen (15) business days.
5. PPL commences on the date specified on the PPL and FMLA request, or the date of the PPL/FMLA event if it occurs before the date specified on the PPL and FMLA request.
6. While on PPL, an employee is expected to not work another job during the same work hours that the employee would normally be at work for the City of Richmond.
7. Any unused PPL will be forfeited at the end of the twelve (12)-month time frame.
8. Upon separation of employment from the City of Richmond, the employee will not be paid for any unused PPL.



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#### VIII. Definitions

**Child** – A person who is under eighteen (18) years of age.

**Parent** – A biological, adoptive, step, or foster father or mother, or any other individual who is standing in loco parentis of a child. This term does not include parents “in-law.”

**In Loco Parentis** – In loco parentis refers to the type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a child.

**Spouse** – A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law marriage or same-sex marriage.

**Miscarriage** – A loss of a fetus before the twentieth (20th) week of pregnancy.

**Stillbirth** – A fetal death at or after twenty (20) weeks of pregnancy.



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**IX. REGULATION UPDATE**

The Office of the Mayor, the Chief Administrative Officer, and the Department of Human Resources shall be responsible for modification to this policy.

Approval

  
CHIEF ADMINISTRATIVE OFFICER

  
MAYOR