

**Attachment B
Parental Leave**

This is an attachment to State HR Policy 60.000.15 Family and Medical Leave that specifically addresses Parental leave. The agency must follow the provisions of the main policy plus this attachment when administering Parental leave.

- (1) For purposes of parental leave and sick child leave, under OFLA, the child must be:
 - (a) Under the age of 18; or
 - (b) An adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.104 (1)(a), (3), and (4).
- (2) Under FMLA and OFLA an eligible employee may take up to 12 weeks of Parental leave to care for the employee's newborn, newly adopted child or newly placed foster child or a child of whom the employee is acting in loco parentis (in place of a parent). For example: an employee in loco parentis to the newly placed foster child of the employee's domestic partner may be eligible for Parental leave.
- (3) Unless the covered employer approves otherwise, parental leave shall be taken in one uninterrupted period and shall be completed within 12 months of the birth, adoption or placement of the child. Exceptions shall be made:
 - (A) Use of intermittent or reduced-schedule leave requires the employee and the agency find a schedule that meets the agency's needs as well as the employee's desire for intermittent or reduced-schedule leave.
 - (B) OFLA allows an employee to take intermittent parental leave to effectuate adoption or foster placement of a child. Parental leave taken to effectuate adoption or foster placement of a child is part of the total amount of parental leave available to the employee, but need not be taken in one, uninterrupted period with any remaining parental leave taken after the actual placement of the child.
 - (C) If the employee is receiving Paid Leave Oregon benefits for parental leave, they are not required to take the OFLA leave in a continuous block of time.
 - (D) OFLA allows parental leave to attend the birth of or give birth to the employee's child. Such leave need not be taken in one, uninterrupted period with any remaining parental leave taken after the birth of the child.
 - (E) The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.
- (4) An eligible employee has up to 12 weeks of FMLA and OFLA leave that are taken together when the employee is eligible for both leaves. The time an employee spends on Parental leave is deducted from the employee's total 12-week entitlement.
 - (a) If an employee is absent from work for pregnancy disability¹ the employee gets up to an additional 12 weeks of OFLA leave to use for any OFLA qualifying purpose. If the employee used any amount of OFLA leave prior to pregnancy disability this amount is deducted from the additional 12 weeks entitlement.
 - (b) If an employee uses a full 12 weeks of Parental leave, the employee gets an additional 12 weeks to use as Sick Child leave (see Attachment C on Sick Child leave).
 - (c) An eligible employee may take up to 36 weeks of OFLA leave in one leave year that includes up to 12 weeks of pregnancy disability leave, 12 weeks of parental leave, and up to 12 weeks of sick child leave.

¹ Pregnancy disability: any period of incapacity for pregnancy, pregnancy-related illness, or for prenatal care. For a more detailed definition of pregnancy disability see the policy attachment (A) for FMLA and OFLA leave for a serious health condition.

- (d) If the employee is receiving Paid Leave Oregon benefits due to their own pregnancy related disability, they are eligible for up to 18 weeks of OFLA protected leave. They are not eligible for the additional 12 weeks of sick child leave or any additional OFLA leave.
 - (e) If the employee is receiving Paid Leave Oregon benefits for parental leave, they are eligible for up to 16 weeks of OFLA protected leave. They are not eligible for the additional 12 weeks of sick child leave or any additional OFLA leave.
- (5) An agency may not require medical certification for Parental leave for the birth of a newborn, newly adopted or newly placed foster child. However, an agency may need an employee to produce other types of documentation for placement of a foster child or adoption. For example: an employee needs three days off prior to placement of a foster child to go to court. The agency may require documentation verifying the court dates.
- (6) Refer to the main policy for procedures for an employee to request Parental leave and the agency's requirements when responding to a request.