

DEPARTMENT OF HUMAN RESOURCES

4.4.2 POLICY ON PARENTAL LEAVE

(a) Purpose and Scope

(1) Purpose. To provide paid parental leave to qualifying employees following the birth of an employee's child or the placement of a child under 6 years of age with the employee for adoption or for foster care.

(2) Scope

This policy applies to all regular Judiciary employees as defined in this policy.

(b) Definitions

(1) Administrative Head

- (A) For the Appellate Courts, the Clerk of the Court for all employee under the Clerk's supervision;
- (B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all state employees under his or her supervision;
- (C) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk for all employee under his or her supervision.
- (D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (E) For any units, the head of the unit where the employee works; or,
- (F) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(2) Day -- An employee's regularly scheduled work day, not to exceed 8 hours.

(3) Parental Leave – A paid absence of up to 60 days after the birth of an employee's child for the employee to recover from the birth of the child, to care for the employee's spouse after birth, and to bond with the child, or for the placement of a child under 6 years of age with the employee for adoption. The 60 days of parental leave includes the employee's accrued leave used for this purpose and Judiciary-paid parental leave. Employees are encouraged to plan for life events including retaining sufficient leave to cover such absences. However, if the employee does not have 60 days of accrued leave, Judiciary-paid parental leave will be provided for the portion of the 60 days that is not covered by accrued leave.

(4) Regular Employee – For purposes of this policy, an employee holding a position funded under an approved Judiciary budget, paid through the Central Payroll Bureau of the Comptroller, and having an assigned position identification number (PIN). This does not include clerks of court, contractual and temporary employees, judges, and law clerks.

- (5) **Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.

(c) Policy Statement

Paid parental leave is to provide care and to nurture a newborn or a child under the age of six who has been adopted by the employee or placed with the employee for foster care. This leave will run concurrently with Family and Medical Leave, as applicable.

Employees may use up to 60* days (480 hours) of parental leave. Approved parental leave begins with any leave taken for the birth of the child and thereafter up to the maximum of 60 days (480 hours). Approved parental leave begins at any time during the six-month period immediately following the adoption of a child by the employee or foster care placement with the employee and thereafter up to the maximum of 60 days (480 hours). If both parents work for the Judiciary, each may be eligible to receive up to 60 days of parental leave, but they may not both take parental leave at the same time.

If necessary to accommodate the leave plan or to minimize disruption to the work of the Judiciary, an employee's existing alternative work schedule or telework agreement may be suspended or modified until the employee has exhausted parental leave or the 6-month parental leave eligibility period has ended.

**The number of days/hours are prorated for part-time employees.*

(d) Parental Leave

- (1) An eligible employee must first exhaust all available accrued leave, to include annual, personal, compensatory leave, and sick leave (up to 28 hours of employee accrued sick leave may be retained), prior to using Judiciary-paid parental leave. Any accrued leave used for parental leave purposes will be counted towards the 60-day allotment of parental leave. Up to 28 hours of sick leave accrued by the employee will be held in reserve and will be available to the employee for personal illnesses during the parental leave period or available to use upon the employee's return from parental leave.
- (2) If the employee's accrued leave totals less than 60 days, the Judiciary shall provide the employee with Judiciary-paid parental leave in order to attain 60 days.

Parental leave may not be used or extended beyond 60 days and six months from the birth of the employee's child or adoption of a child by the employee.

- (3) Employees may use parental leave intermittently or on a reduced schedule after the birth of the employee's child or for adoption or placement with the employee of a child in foster care, only if the employee and employer agree to such an arrangement. The Judiciary agrees to approve such

requests, provided: (1) within 30 days after the occurrence of a qualifying event, the employee submits a complete plan for the leave requested; and (2) the employee's administrative head approves a schedule of the requested intermittent or reduced-schedule leave.

Employees needing parental leave on an intermittent or reduced schedule must attempt to schedule their leave so as not to disrupt the Judiciary's operations. In addition, while the employee is on an intermittent or reduced schedule, the administrative head may transfer the employee to an alternative position that better accommodates the leave or reduced schedule and has equivalent pay and benefits.

- (4) An employee will continue to accrue annual and sick leave while using Judiciary-paid parental leave. However, the employee will be required to first use the accrued annual and sick leave (with the exception of up to 28 hours of leave to be held in reserve) as parental leave each pay period prior to using Judiciary-paid parental leave.

(e) Requesting Parental Leave

- (1) An employee shall submit a request for parental leave to his or her administrative head. The request for leave should be submitted at least 60 calendar days in advance of its need, where practicable, and include an estimate of the timing and duration of the leave.
- (2) The employee may be required to provide documentation to substantiate the request.
- (3) The Administrative Head may grant a request for parental leave if the employee:
 - (A) Has submitted the proper request verifying the birth or adoption of the child along with the necessary medical documentation if required.
 - (B) Has not already exceeded the 60-day parental leave absence period.
 - (C) The absence will occur within 6 months following the birth of the employee's child or adoption by the employee of a child under 6 years of age or placement with the employee of a foster child under 6 years of age.
- (4) The administrative head may delay the start of the parental leave absence if the time-period requested by the employee for its use poses an operational disruption as determined by the administrative head. However, such delay may not deprive the employee of the full use of the 60-day parental leave absence within the six-month eligibility period.
- (5) A request for parental leave may be denied if the employee has not submitted the proper request, and medical documentation if required.
- (6) A request for intermittent parental leave may be denied if the nature of the schedule requested poses an operational disruption as determined by the administrative head. Denial of a specific intermittent leave plan does not deprive the employee of the full use of the 60-day parental leave

absence within the six-month eligibility period. If the administrative head and the employee are unable to agree on an intermittent plan, the employee shall use the 60-day parental leave within the six-month eligibility period.

- (7) The administrative head shall render a decision on the request for parental leave or any intermittent parental leave plan within 10 working days of receiving the request.
 - (8) An approved intermittent parental leave plan and schedule may be amended as necessary by the administrative head with at least 10-day notice to the employee; any request to change the approved plan by the employee will be considered by administrative head, but is not required to be approved
- (f) **Interpretive Authority:** The Judiciary Human Resources Department is responsible for the interpretation of this policy.
- (g) **Not a Contract:** This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.
- (h) **Effective Date:** This revised policy will become effective December 17, 2021.