

Paid Family Caregiver Leave

Number: F-18

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1.0 POLICY

The Town believes that strong families benefit both the local community and the workplace. For this reason, the Town offers its employees Paid Family Caregiver Leave for the birth and bonding with a newborn, bonding with a newly placed child for foster care, guardianship, or adoption.

2.0 PURPOSE

The purpose of Paid Family Caregiver Leave is to allow up to six (6) work weeks of paid maternity and paternity leave every 12 months to employees who have worked at least 1,250 hours in the twelve (12) months immediately preceding the request for leave. The Family and Medical Leave Act (**FMLA**) provides for unpaid, job-protected leave for childbirth, or adoption or fostering, or for the employee's own serious health condition following birth, but it does NOT address the lack of income experienced by many employees during periods of necessary leave. This policy addresses that gap.

3.0 SCOPE

This policy applies to all employees in benefit-eligible positions. Other non-benefit eligible employees are not covered by the leave in this policy but are eligible for unpaid Family and Medical Leave Act (FMLA) if they meet the qualifying criteria as outlined in the Town's policy on Family and Medical Leave. See **FMLA Policy**.

4.0 DEFINITIONS

- 4.1 **Paid Family Caregiver Leave** – A period of time of up to six (6) work weeks of paid leave once every 12-months for care of a newborn; a child placed for adoption, foster care, or guardianship, or for the employee's recovery from childbirth.
- 4.2 **Qualifying Family Member** – The employee, or the employee's child.
- 4.3 **Child** – A biological, adopted, child placed for guardianship, or foster child.
- 4.4 **Benefit Eligible** – Full or part time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage. See policy on **Position Types**.

5.0 ORGANIZATIONAL RULES

- 5.1 To qualify for Paid Family Caregiver Leave, an employee must meet all of the following criteria:

- The employee must currently be a full time or part time benefit eligible employee and have worked for the Town for at least 1,250 hours in the immediately preceding 12-month period.
- 5.2 Eligibility for Paid Family Caregiver Leave expires 12-months after the date of the following qualifying events:
 - Birth of a child of the employee
 - The legal placement of a child with the employee for adoption, foster care or guardianship; or
 - The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis).
- 5.3 Paid Family Caregiver Leave for the birth, adoption, or placement of a child for foster care or legal guardianship cannot be used on an intermittent basis and time off must run consecutively. Family and Medical Leave (FMLA) will run concurrently with Paid Family Caregiver Leave.
- 5.4 An employee is eligible for Paid Family Caregiver Leave only if the qualifying event certifies on or after the date of this policy.
- 5.5 An employee will receive Paid Family Caregiver Leave only if the qualifying event certifies. The employee may use other paid or unpaid leave until the event is certified. Once the qualifying event is certified by the Human Resource Department, the employee may begin using Paid Family Caregiver Leave for the time absent from work for the remaining period of certification of the event.
- 5.6 All terms and conditions relevant to participation in the retirement system shall be in accordance with the rules established by NCLGERS Retirement Fund.
- 5.7 Vacation and sick leave accruals and retirement service credit will continue during any period of paid leave.

6.0 PROCEDURES

- 6.1 When an event qualifies for Paid Family Caregiver Leave, an employee must complete and submit a Paid Family Caregiver Leave form 30 days prior to the need of the leave, when possible.
- 6.2 Paid Family Caregiver Leave and FMLA are separate programs: not all Paid Family Caregiver Leave will qualify under FMLA. When events meet both criteria, Paid Family Caregiver Leave and FMLA will run concurrently.
- 6.3 In addition to the FMLA Application Form, an employee must also submit supporting documentation that establishes the qualifying event for eligibility under this policy. Supporting documents include, but are not limited to:
 - Birth of a Child – A certificate of live birth or similar government issued document, listing the requesting employee as a legal parent.
 - Legal Placement of a Child – a certified copy of a court order granting legal custody of the child to the requesting employee.

- In Loco Parentis – A notarized statement from the employee asserting that the employee is assuming and discharging the obligations of a parent to a child. The statement must include the age of the child, the degree to which the child is dependent on the employee, the amount of support, if any, provided by the employee, and the extent to which the employee exercises duties commonly associated with parenthood.

- Non-legal placement of a child – Two (2) official records establishing the employee as a named caregiver to the child (e.g. school enrollment, insurance records, or medical records); and documentation establishing the date when the placement occurred (e.g. insurance records and certificates of death).

- 6.4 The employee will be notified within five (5) business days of Human Resources receiving the certification if the Paid Family Caregiver Leave is approved. In addition, the employee’s supervisor and/or Department Director will be notified by Human Resources.
- 6.5 The employee’s supervisor or departmental timekeeper must enter the appropriate leave code in the Town’s timekeeping system for all time off during the Paid Family Caregiver Leave period.
- 6.6 Insurance Benefits – The Town will continue to make contributions on behalf of the employee currently enrolled in insurance plans with the Town while on approved Family Caregiver Leave. The coverage for the covered dependents will continue as long as the employee pays any required contributions. During the period of Paid Family Caregiver Leave, all premiums will continue to be deducted from the employee’s paycheck.
- 6.7 Retirement – Retirement contributions and retirement service credit will continue to accrue during the Paid Family Caregiver Leave period.
- 6.8 Accrual of Vacation Leave and Sick Leave – Vacation Leave and Sick Leave will continue to accrue during the period of Paid Family Caregiver Leave.

7.0 APPENDIX/APPENDICES

Paid Family Caregiver Leave Request Form