



Memo

Date: July 15, 2026

To: Board of Trustees

Subject: Paid Parental Leave and Paid Birth Leave Policies

Dear Board members,

After our last review of the Paid Parental Leave policy and the feedback and discussion that we had with the board, Robin and I decided to restructure the policy.

As we were discussing Highland Township's policy, I did not think this was the way we should structure our policy. A little more research (confirmed by legal) solidified my beliefs that having a primary and a secondary caregiver was not recommended and could be challenged legally. Please see the information below:

- The primary legal risk when creating different tiers of leave involves gender and caregiver discrimination under **Title VII of the Civil Rights Act**: [\[1, 2, 3\]](#)
- **Unequal bonding time**: If two employees are utilizing the leave strictly for the purpose of bonding with a new child, they must be treated equally. For example, giving a birth mother 12 weeks of paid *bonding* leave but giving a biological father only 2 weeks of paid *bonding* leave is illegal sex discrimination. [\[1, 2, 3, 4\]](#)
- **Primary vs. secondary caregiver distinctions**: Structuring a policy that offers longer leave to a "primary caregiver" and shorter leave to a "secondary caregiver" carries high legal risk. The EEOC closely scrutinizes these policies because they often rely on sex-based stereotypes (assuming the mother is the primary caregiver), which has led to high-profile class-action discrimination lawsuits. [\[1, 2, 3, 4\]](#)
- **Adoption and foster disparities**: A compliant policy must provide equal bonding leave regardless of how the child entered the family. If an adoptive mother receives less bonding time than a biological mother (separate from the biological mother's physical recovery time), it can trigger discrimination claims. [\[1, 2\]](#)

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Considering this information, Robin and I decided to structure our proposal into two different leaves which are attached.

- 2-week Paid Birth Recovery Leave which is a medical leave for the sole purpose of the mother's recovery after birth.
- 2-week Paid Parental Leave that allows bonding time for any employee that becomes a parent and for which the birth mother can utilize after the birth recovery leave ends.

We look forward to discussing them further with you at the July 21st board meeting.

Trish Pergament
Deputy Supervisor

Robin Myers
Human Resources

PAID BIRTH RECOVERY LEAVE POLICY – Non-Union

I. PURPOSE

The purpose of this policy is to provide paid leave to full-time eligible employees following the birth of a child for physical recovery. This policy is intended to support employees during the birth recovery period immediately following the birth of a child.

II. POLICY

White Lake Township will provide eligible employees with up to two (2) weeks of paid leave following the birth of the employee's child.

III. DEFINITIONS

1. "Child" means:
 - a. A newborn biological child of the employee.
2. "Birth Recovery Leave: means:
Paid leave available to an employee who physically gives birth to a child for purposes of childbirth recovery.
3. "Birth Mother" means:
A person identified as having given birth to a child on the child's birth certificate or other legal documentation proving the birth of the child occurred.

IV. ELIGIBILITY

This policy shall apply to births occurring on or after the effective date of this policy.

Eligible employees must meet all the following requirements:

1. Be a regular full-time employee of the Township;
2. Have been employed full-time for at least one year immediately preceding the leave request; and
3. Have worked at least 1,250 hours during the one year immediately preceding the period.
4. Be the legal birth mother of the child.

V. QUALIFYING EVENTS

Eligible employees may receive leave under this policy if they:

1. Give birth to a child.
2. Give birth to a full-term stillborn child.

VII. EXCLUSIONS

The following circumstances are not qualifying events under this policy:

1. Serving as a surrogate carrier.
2. Seasonal, temporary, or part-time employment status.
3. Union employees unless included in their collective bargaining agreement.

VIII. AMOUNT, TIME FRAME, AND DURATION OF LEAVE

- A. Eligible employees may receive up to two (2) weeks of paid leave per qualifying birth event.
- B. Multiple children born as part of the same event shall be considered one (1) qualifying event.
- C. Employees are limited to one (1) paid leave benefit under this policy per calendar year.
- D. Leave under this policy shall begin no earlier than the employee's first scheduled workday missed following the qualifying event.
- E. Paid leave must be used immediately following the birth of the child.
- F. Leave under this policy must be taken in one continuous block.
- G. Employees who return to work prior to the end of the paid two (2) weeks' leave shall forfeit any remaining paid time of under the leave for the calendar year.
- H. Unused paid leave under this policy shall not be paid out upon separation of employment.

IX. COORDINATION WITH OTHER LEAVE AND BENEFITS

- A. Paid leave under this policy shall not run concurrently with FMLA leave where applicable and shall not count toward the employee's available FMLA entitlement.
- B. Employees on approved leave under this policy shall continue to receive Township-provided benefits, including health, dental, and disability insurance, under the same terms as active employees.
- C. Township holidays occurring during approved leave shall be paid and shall not count against the employees' two (2) weeks of paid leave.

D. Sick leave, and personal paid time off shall accrue while an employee is on paid leave under this policy unless otherwise required by contract or law.

E. Following the expiration of paid Birth Recovery leave under this policy, eligible employees may request Paid Parental leave. See Paid Parental Leave Policy for requirements and eligibility of that leave.

F. Employees may request additional leave pursuant to the FMLA, other leave policies as defined in the Personnel Policies and Procedures, and if applicable, the employees' collective bargaining agreement.

F. Paid leave will be paid at the employee's current full pay rate.

X. PROCEDURE

A. Leave Requests

1. Employees must provide at least three (3) months' advance written notice to their immediate supervisor and the Human Resources Department when the need for leave is foreseeable.
2. Employees must notify their immediate supervisor and Human Resources as soon as practicable following the qualifying event, but no later than three (3) calendar days after birth occurs. Notification must be provided in written format, by letter, email or text message.
3. The Township may require documentation supporting the request for leave, including medical certification of birth showing that the employee is the birth mother of the child.
4. Human Resources shall provide written approval or denial of the leave request and identify any additional requirements or documentation needed.

B. Return to Work

1. Employees shall communicate with Human Resources and their Department Head regarding any anticipated additional leave beyond the approved paid leave period.
2. Employees are responsible for notifying their immediate supervisor and Human Resources as soon as possible of any change to their anticipated return-to-work date.
3. Employees returning from approved leave under this policy shall be restored to the same or an equivalent position in accordance with applicable law and Township policy.

PAID PARENTAL LEAVE POLICY – NON-UNION

I. PURPOSE

The purpose of this policy is to provide employees who are new parents with additional flexibility and time to care for and bond with a newborn or newly adopted child five (5) years old or younger.

II. POLICY

All eligible non-union employees of White Lake Township will receive two (2) weeks of paid leave to enable an employee to care for and bond with their newborn or newly adopted child five (5) years old or younger. This time shall be paid, and if eligible, shall not run concurrently with the use of the Family and Medical Leave Act (FMLA).

A. Paid Parental Leave Definitions

1. Child(ren) – Paid Parental Leave will apply to all newborn biological children or adopted children five (5) years old or younger.
2. Parent – The person identified on a child(ren)'s birth certificate, adoption certificate, certified copy of a foreign adoption order that has been registered with the State of Michigan, or other legal document certifying an adoption.

III. ELIGIBILITY

A. Eligible employees must meet the following criteria:

1. All regular full-time non-union employees of the Township that have been employed as full-time employees for at least twelve (12) consecutive months and have worked at least 1,250 hours during the twelve (12) consecutive months immediately preceding the date the leave would begin.
2. The employee must have given birth to a child, be a spouse or domestic partner of a person who has given birth to a child or have adopted a child who is five (5) years old or younger.
3. Employees who adopt a child prior to their 6-year birthday, where the child is already more than five (5) years and 11 months old but less than six (6)-years old, will also qualify for a full two (2)-week paid leave. The employee must provide proof of the date of birth and the date of adoption.

B. Exclusions to Paid Parental Leave include:

1. Serving as a surrogate is not a qualifying event under this policy.
2. Seasonal and part-time employees are excluded from this policy.
3. The adoption of a new spouse's child is excluded from this policy.
4. Union employees, unless included in their collective bargaining agreement.

IV. AMOUNT, TIME FRAME, AND DURATION OF PAID PARENTAL LEAVE

- A. Eligible employees will receive a maximum of two (2) weeks of Paid Parental Leave per birth or adoption of a child.
- B. Eligible employees may qualify for each birth or adoption instance once per calendar year. Multiple children in one (1) birth or adoption count as one (1) birth or adoption instance. Employees are limited to one qualifying event per calendar year. The eligible employee will be entitled to only one instance of Paid Parental Leave in the event of multiple qualifying events in the same calendar year.
- C. Employees are only able to use this time after the qualifying event. Paid Parental Leave time will be in effect no earlier than the first scheduled absent workday after the birth of the child. Both parents are entitled to their respective leaves when both parents are employed by the Township.
- D. Paid Parental Leave time must be taken within three (3) months of the child's birth or placement.
- E. Employees must take Paid Parental Leave in one continuous period of leave during the two (2) week time-period from birth or adoption of the child. If, for some reason, the employee returns to work before using the full two (2) weeks of paid leave, the employee forfeits the remainder of the paid leave for that calendar year.
- F. Upon resignation or termination of an individual's employment with the Township, he or she will not be paid for any unused Paid Parental Leave for which the employee was eligible.

V. Coordination with Other Policies

- A. Employees on Paid Parental Leave will continue to receive other benefits. (health insurance, dental insurance, disability insurance) on the same basis as if working.
- B. Employees on Paid Parental Leave will also continue to receive compensation for holidays on the same basis as if they were working. If a Township holiday occurs while the individual is on the approved Paid Parental Leave, the employee will receive holiday pay. (Official Township holidays do not count against an approved Paid Parental Leave).
- C. Sick time and personal paid time will not accrue after 30 days while placed on any leave, including Paid Parental Leave. If the employee is eligible for FMLA, Paid Parental Leave will run concurrently with FMLA as allowed by law.
- D. Refer to the Personnel Policy and Procedure Manual for how to administer further leave for the employee once the paid parental leave ends. Further time off related to the birth or adoption of the child(ren) will be subject to FMLA if the employee is eligible.

VI. PROCEDURE

A. Leave Requests

1. Employees must submit a written request for Paid Parental Leave to their immediate supervisor and the Human Resources Department at least three (3) months in advance, providing the estimated start and end date for all time intended to be taken related to the birth or adoption of the child(ren), including the paid two (2) week leave.
2. Employees must provide notification when the qualifying event occurs in a timely manner and not later than three days after the qualifying event (birth or adoption date). Employees will provide written notice to their immediate supervisor and the Human Resources Department, either by text or email and must include the date the leave will start.
3. The Township will provide written approval or denial notice to employees, which will contain any additional information and instructions, or requirements on the part of the employee.

B. Return from Paid Parental Leave

1. The employee is responsible for notifying their immediate supervisor and the Township Human Resources Department of any changes to the Paid Parental Leave end date.
2. Employees shall discuss with HR and their department head any changes related to the amount of time they intend to take beyond paid parental leave as soon as known to ensure proper administration by HR of any further leave time taken related to the birth or adoption of the child.