

PERSONNEL SERVICES BULLETINS (PSBs)

420-5

Subject: Paid Parental Leave for Managers and Original Jurisdiction Employees

Supersedes: Personnel Services Bulletin 420-5 issued January 11, 2016

Source: Mayor's Personnel Order 2016/1 as amended by Mayor's Personnel Order 2024/1 and 2024/2

Date: March 8, 2024

I. INTRODUCTION

Pursuant to Mayor's Personnel Order (MPO) 2024/1 and 2024/2, effective February 2, 2024, employees in eligible titles who are in active status shall, in addition to all other leave benefits, receive up to twelve weeks of Paid Parental Leave ("PPL") once per rolling twelve-month period at 100% of regular salary. PPL is defined as leave for the birth of a child to an eligible employee (i.e., biological parent) or the placement of a child with an eligible employee for either adoption or foster care, which are "qualifying events"; and excludes other types of family leave.

If a qualifying event occurred between December 22, 2023, and February 1, 2024 (inclusive), eligible employees are entitled to use PPL in addition to the 30 workdays to which they were initially entitled in accordance with the chart in Section IV of this Bulletin.

II. DEFINITIONS

"Child(ren)" means biological, adopted, or foster child of the eligible employee. For the purposes of PPL, a child must be under the age of 18.

"Domestic Partner" means domestic partner as defined in Section 1-112(21) of the Administrative Code of the City of New York.

"Eligible employee" means an employee who is covered by the Pay Plan for Management Employees and Original Jurisdiction Employees. Ineligible titles are those not covered by MPO 2024/1 or MPO 2024/2, and/or employees in titles that are not eligible to accrue leave balances.

"Parent" means the person identified on the child(ren)'s birth certificate, adoption certificate, certified copy or copies of a foreign adoption order that has been registered in New York State, or certified copies of initial and continuing family court orders of foster care placement and the spouse and domestic partner of such person. If the child subject of a qualifying event is parented by, adopted by, or placed in foster care with two eligible employees, both employees may seek to use parental leave.

“Paid Parental Leave” is defined as leave for the birth of a child(ren) to an eligible employee or the placement of a child with an eligible employee for adoption or foster care and excludes other types of family leave.

"Qualifying event" means the birth of a child(ren), the formal adoption of child(ren) under the age of 18, or the placement of child(ren) under the age of 18 in foster care, that takes place on or after the effective dates noted in MPO 2024/1 and MPO 2024/2. Eligible employees are entitled to PPL for one qualifying event per child.

“One qualifying event per child” means in the cases of multiple births, all children are treated as one qualifying event. In the cases of multiple children being adopted or placed under foster care, all children being adopted or placed in foster care on the same day are treated as one qualifying event. In the cases of multiple qualifying events for the same child by the same employee, the eligible employee will be entitled to only one instance of PPL. For example, if the qualifying event is the placement of a child with an eligible employee for foster care, the eligible employee uses PPL during that qualifying event, and such placement subsequently becomes an adoption of that same child by the same employee, the adoption will not be considered a qualifying event, and the eligible employee will not be entitled to additional PPL for the adoption.

III. GENERAL PROVISIONS

1. The start date of an eligible employee’s use of PPL is at their discretion, so long as no more than 60 workdays are used and the period of usage is within six months from the first day of usage. Any portion of the 60 workdays not taken in this 6-month period is forfeited. This leave must be used in full day increments only. In no event may PPL be used later than one year after the qualifying event.
2. Effective May 5, 2024, an employee must apply for Paid Family Leave (PFL) as a condition of eligibility for Paid Parental Leave. PFL will run concurrently with PPL.
3. For part-time eligible employees, the 60 workdays will be pro-rated based on their regular schedules.
4. Eligible employees may only use PPL once per rolling 12-month period, which is the 12-month period measured backward from the date the employee seeks to begin using PPL. Each additional qualifying event beyond the rolling 12-month period will result in a new 60 workday PPL entitlement.
5. An employee may use PPL without using accrued sick or annual leave. An employee will accrue annual and sick leave during the PPL period in accordance with the applicable leave regulations, provided, however, that the employee will not be credited with the annual and sick leave time accrued while on Paid Parental Leave until the employee returns from PPL or such other approved leave as shall continue after Paid Parental Leave. Eligible employees may use accrued leave, child care

leave and any other applicable leave benefits in accordance with existing rules and policies.

6. Eligible employees may use PPL immediately after hire, provided that the qualifying event occurs on or after the date they start working.
7. PPL shall run concurrently with leave provided pursuant to the Family and Medical Leave Act ("FMLA"), and/or PFL where applicable.
8. If the PPL is interrupted or ceased as a result of the child(ren) no longer being under the care of the eligible employee, the eligible employee must immediately notify the Human Resources Department of his/her agency and end his/her PPL.
9. An employee who returns from PPL must be restored to his or her previous position or to an equivalent position. An equivalent position is a position in the same civil service title that has the same pay, benefits and working conditions, including the same worksite or a geographically proximate worksite. A geographically proximate worksite is one that does not involve a significant increase in commuting distance or time. If the employee is denied restoration or other benefits, the agency must be able to show that the employee would not have continued to be employed, or to have received the benefits, if the employee had been continuously employed during the leave period.

IV. PROCEDURES

Certification of Eligibility

1. When the PPL is foreseeable, an employee must give his/her employer at least 30 advance calendar days' notice before the leave begins. This requirement may be waived at the discretion of the agency head.
2. Eligible employees must provide timely documentation of the qualifying event, such as a birth certificate listing the eligible employee as a parent; a certified copy or copies of an adoption order listing the eligible employee as a parent; a certified copy or copies of a foreign adoption order that has been registered in New York State and lists the eligible employee as a parent; a certificate of adoption or adoption decree listing the eligible employee as a parent; or certified copies of initial and continuing family court orders of foster care placement naming the eligible employee as a foster parent. A domestic partner or spouse not listed on the child's birth certificate, adoption order or decree, or foster care order should provide evidence of his or her domestic partnership with or marriage to the parent listed on such document. Such documentation must be provided within 15 calendar days from the employer's request, where practicable. The leave may be applied retroactively following receipt and verification of the documentation.

3. Eligible employees will be required to sign an acknowledgment that indicates they are seeking to use PPL for the birth of a child to the eligible employee (i.e., a biological child born into the care and custody of the employee) or the placement of a child with the eligible employee for adoption or foster care. Where the qualifying event is the placement of a child with the eligible employee for adoption or foster care, the eligible employee will also have to certify that should the adoption or foster care placement cease during the PPL period, the employee will immediately notify the employer. If a child ceases to remain in the employee's care during PPL, the employee shall notify the employer and either return to work or apply to use other leave as appropriate.

Computation of Leave Entitlement

1. Due to differences in normally scheduled workdays in a number of City agencies, the 60 workday entitlement for normally scheduled workdays will be converted into an hourly bank against which charges will be made based on the number of hours in an employee's normally scheduled workday.
2. In order to make charges against the 60 workday entitlement, an hourly bank must be established by multiplying the 60 workdays by the number of hours in the normally scheduled workday of each full-time employee. For part-time PPL eligible employees, the 60 workdays of PPL will be pro-rated based on their regular schedules.
3. If a qualifying event occurred between December 22, 2023, and February 1, 2024 (inclusive), eligible employees are entitled to use Paid Parental Leave in addition to the 30 workdays to which they were initially entitled in accordance with the following table:

Date of Qualifying Event	Additional Workdays of Paid Parental Leave
December 22, 2023, through December 28, 2023	3
December 29, 2023, through January 4, 2024	8
January 5, 2024, through January 11, 2024	13
January 12, 2024, through January 18, 2024	18
January 19, 2024, through January 25, 2024	23
January 26, 2024, through February 1, 2024	28

Attachment: [HC-0007 Request for Paid Parental Leave Form](#)

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Commissioner