CITY OF COVINGTON, KENTUCKY

Personnel Policy Manual

Pregnancy, Parental, and Family Bonding Leave Policy

Policy Section: Leaves of Absence
Applies To: All regular full-time, non-bargaining-unit City employees (see Section 2)
Administered By: Human Resources Department (HR@covingtonky.gov)

1. Policy Statement

The City of Covington ("City") recognizes that employees may need time away from work to recover from a pregnancy-related condition, to give birth, or to bond with a newly born, adopted, or placed foster child. This policy establishes the City's pregnancy leave and paid parental leave benefits and explains how those benefits work together with the Family and Medical Leave Act (FMLA), the Pregnancy Discrimination Act (PDA), the Americans with Disabilities Act (ADA), the federal Pregnant Workers Fairness Act (PWFA), the Kentucky Pregnant Workers Act (KPWA), KRS 337.015 governing adoption leave and benefits, and any other applicable law.

2. Applicability to Bargaining-Unit Employees

This policy applies to all regular full-time, non-bargaining-unit City employees. For employees represented by a collective bargaining unit, the provisions of this policy apply only to the extent adopted into, consistent with, or otherwise made applicable by that employee's collective bargaining agreement (CBA). In the event of a conflict between this policy and an applicable CBA, the CBA controls, except as otherwise required by law. Nothing in this policy modifies a CBA or displaces an applicable bargaining obligation.

Restrictions on eligibility for the City-provided paid parental leave benefit do not limit any employee's rights under applicable leave, accommodation, nondiscrimination, or nonretaliation laws, regardless of bargaining-unit status, work schedule, or length of service. Represented employees should consult Human Resources and their applicable CBA regarding available benefits.

3. Definitions

- **Parental Leave:** Paid, job-protected leave taken to bond with an employee's newborn child or a child newly placed with the employee through adoption or foster care.
- **Pregnancy Leave (Pregnancy-Related Medical Leave):** Leave needed because of pregnancy, childbirth, or a related medical condition, including prenatal care, recovery from childbirth, and other medically related absences protected by applicable law, as certified by a health care provider. A condition need not qualify as a disability under the ADA to qualify for accommodation under the PWFA or Kentucky law. Supporting documentation may be requested only as permitted by applicable law.

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- **Eligible Employee:** Any regular full-time, non-bargaining unit City employee. Part-time, seasonal, and temporary employees are not eligible for paid parental leave under this policy but retain any rights available to them under applicable law. Bargaining-unit employees are eligible only as described in Section 2.
- **Primary or Secondary Caregiver:** This policy does not distinguish between primary and secondary caregivers. Both eligible parents — including same-sex partners, adoptive parents, and foster parents — are eligible for the same paid parental leave benefit described below. Each parent must independently satisfy the eligibility requirements of this policy.

4. Eligibility for Paid Parental Leave

Eligible employees, as defined in Section 3, are eligible for paid parental leave beginning on their first day of employment; there is no minimum length-of-service requirement to use this benefit. Paid parental leave is available for:

- The birth of the employee's child;
- The placement of a child with the employee through adoption; or
- The placement of a child with the employee through foster care.

Eligibility for the paid parental leave benefit is separate from, and does not require, eligibility under the FMLA. However, an employee's leave will run concurrently with FMLA leave to the extent the employee is eligible, the absence qualifies, and FMLA entitlement remains available, as described in Section 8 below.

Adoption leave and benefits will be administered in accordance with KRS 337.015, including its requirements concerning reasonable personal leave and parity with leave and benefits provided to birth parents, when applicable. Human Resources will review the employee's full leave and benefit entitlement, including any longer leave available under another City policy. Nothing in this policy limits an employee's rights under that statute.

5. Requesting Leave and Providing Notice

Employees should provide advance notice of the need for parental or pregnancy leave to their supervisor or Human Resources. When the need for leave is foreseeable (such as an expected birth or a planned adoption or foster placement), employees should provide at least 30 days' notice. If 30 days' notice is not possible due to medical necessity or other circumstances beyond the employee's control, the employee should provide as much notice as is practicable under the circumstances. Supervisors receiving notice must promptly refer the request to Human Resources.

Written notice, including by email to a supervisor or to HR@covingtonky.gov, is preferred but not required.

Human Resources may request reasonable information confirming a qualifying birth or placement and the employee's parental relationship. For FMLA bonding leave, an employee may establish the relationship through a simple written statement or other reasonable documentation. Medical certification of a serious health condition is not required solely for bonding leave. Medical documentation for other leave or accommodations is governed by applicable law.

6. Pregnancy-Related Medical Leave and Reasonable Accommodation

An employee who is temporarily unable to perform her job due to pregnancy, childbirth, or a related medical condition should notify a supervisor or Human Resources. The City will engage in a timely, good-faith interactive

process to identify and provide a reasonable accommodation required by the PWFA, ADA, PDA, or Kentucky Pregnant Workers Act, unless the applicable undue hardship standard is met. Accommodations may include modified duties or schedules, breaks, temporary reassignment, leave, or temporary suspension of essential job functions when required by law. The City will not require an employee to take leave when another reasonable accommodation would allow the employee to continue working.

Human Resources may request supporting medical documentation only when, and to the extent, permitted by the law governing the request. Documentation will not be required for accommodation when prohibited by the PWFA or other applicable law. Medical information will be maintained confidentially and separately from regular personnel records. The City will also provide required pregnancy-related and lactation accommodation, including legally required pumping breaks and space.

Pregnancy-related disability leave is charged to the employee's accrued sick leave, then other accrued paid leave, and then unpaid leave, and runs concurrently with FMLA leave for FMLA-eligible employees. This leave is separate from, and in addition to, the paid parental (bonding) leave described in Section 7, which remains available once the employee is medically released to return to full duty or, at the employee's option, on a schedule agreed to with Human Resources.

7. Paid Parental (Bonding) Leave Benefit

Eligible employees receive **225 hours of paid parental leave** at their regular base rate of pay, for the purpose of bonding with a newborn child or a newly placed adopted or foster child. This benefit applies equally to all parents, regardless of gender, and is not limited to the birth mother or to a single "primary" caregiver — both parents, if each is an eligible City employee, are independently eligible for the full six-week benefit described in Section 11.

- **Timing:** Paid parental leave must be used within twelve (12) months of the birth or placement. It may be taken in one continuous block or, on an intermittent or reduced-schedule basis as described in Section 9.
- **Pay and status:** Paid parental leave is paid at 100% of the employee's regular base pay and does not require the use of accrued vacation, sick, or compensatory leave. The benefit equals the employee's normally scheduled hours over six work weeks. Human Resources and Payroll will confirm the applicable hours before leave begins. Paid parental leave is paid through the regular payroll process and is subject to normal deductions.
- **Multiple children from one event:** An employee who gives birth to, adopts, or receives foster placement of more than one child at the same time (for example, multiples, or siblings placed together) is entitled to a single six-week paid parental leave period, not a separate period for each child.
- **Additional time:** Leave beyond the six-week paid parental leave benefit is governed by the City's applicable leave policies and applicable law. Accrued sick leave may be used for qualifying medical or family-care purposes permitted by those policies. Additional unpaid leave or other accommodation will be provided when required by law. FMLA coordination is addressed in Section 8.

Unused benefit: Paid parental leave is a benefit available for a qualifying event, not an accrued leave bank. Unused paid parental leave expires at the end of the applicable twelve-month period and has no cash value at separation from employment, except as otherwise required by law or an applicable agreement.

8. Coordination with the Family and Medical Leave Act (FMLA)

For employees who meet FMLA's eligibility requirements, including at least 12 months of qualifying City service, at least 1,250 hours of service during the preceding 12 months, and employment at a worksite where the City

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employs at least 50 employees within 75 miles, qualifying paid parental leave and pregnancy-related medical leave run concurrently with, and count toward, available FMLA leave. The ordinary FMLA entitlement is 12 work weeks in the 12-month period measured under the City's general FMLA policy. Exhaustion of FMLA leave does not reduce an eligible employee's unused paid parental leave benefit under this policy. Accordingly, total authorized leave may exceed 12 weeks when City-provided leave or another applicable legal protection extends beyond available FMLA leave.

Any remaining FMLA leave after paid parental leave is exhausted may be unpaid or covered by accrued paid leave in accordance with the City's generally applicable leave substitution rules and applicable law. Eligible employees who are not FMLA eligible, or who have exhausted FMLA leave, remain entitled to the paid parental leave and job restoration protections provided by this policy. HR will issue required FMLA eligibility, rights-and-responsibilities, and designation notices. Leave taken before an employee becomes FMLA eligible will not be charged against FMLA entitlement. Qualifying leave taken after eligibility begins will be designated as required by law.

9. Intermittent or Reduced-Schedule Leave

An employee may take paid parental leave on an intermittent basis or as a reduced work schedule (for example, several partial or non-consecutive weeks) rather than in a single continuous block, provided the leave is completed within the 12-month window described in Section 7, and the arrangement does not create an undue hardship on department operations. Approval will not be unreasonably withheld.

10. Leave Types at a Glance

Leave Type	Duration & Pay	Source / Basis
Paid Parental (Bonding) Leave	225 work hours, 100% base pay; each eligible parent independently	City policy; concurrent with available FMLA when eligible and qualifying
Pregnancy-Related Medical Leave	As required under applicable law; paid through available accrued leave or unpaid	PWFA / ADA / PDA / Kentucky law; concurrent with available FMLA when qualifying
Remaining FMLA Leave (if any)	Ordinarily up to 12 work weeks in the City's FMLA leave year, reduced by prior use; unpaid unless paid leave applies	FMLA (employee must be FMLA-eligible)

Note: This table is a summary for quick reference only. The full policy language and applicable law govern in the event of any inconsistency.

11. When Both Parents Are Employed by the City

If both parents of a child are City employees, each parent is independently entitled to the full six weeks of paid parental leave described in Section 7. Parents may take their leave concurrently, consecutively, or at different times within the 12-month window, as they choose, subject to Section 8 for any employee who is also FMLA-eligible (spouses employed by the same covered employer may have a combined FMLA entitlement of 12 weeks for the birth or placement of a child, as required by federal law).

12. Benefits During Leave

While an employee is on paid parental leave or paid pregnancy-related medical leave, the City will continue the employee's health insurance and other benefits on the same basis as if the employee were actively at work, and the employee will continue to accrue vacation, sick leave, and retirement service credit during the paid portion of leave. For any unpaid portion of leave, benefits are governed by the terms of the applicable benefit plan documents and the City's general unpaid leave of absence policy, consistent with applicable law.

13. Job Restoration

An eligible employee returning from approved paid parental leave will be restored to the same position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, regardless of FMLA eligibility or exhaustion. Restoration following pregnancy-related medical leave or additional unpaid leave will be determined under applicable law, applicable CBAs, and other City leave policies, including any reasonable-accommodation obligation. Nothing in this policy prevents an employment action for a legitimate reason unrelated to protected leave or activity that would have occurred had the employee remained at work.

14. Return-to-Work Certification

An employee returning from pregnancy-related disability leave must submit a health care provider's certification confirming that the employee is medically able to resume normal duties (a "fitness-for-duty" certification), consistent with the City's FMLA policy. An employee's continued absence beyond the leave period supported by medical certification, and after exhaustion of all other available leave, may be treated as a voluntary resignation.

15. Non-Discrimination and Non-Retaliation

The City prohibits, and will not tolerate, discrimination or retaliation against any employee or applicant because of that person's pregnancy, childbirth, related medical condition, need for reasonable accommodation, or use of protected leave. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment or be subjected to any adverse employment action based on that person's pregnancy, childbirth, related medical condition, need for reasonable accommodation, or use of protected leave. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person requested or used an accommodation or leave, reported a concern, participated in an investigation, or otherwise exercised rights under this policy or applicable law.

The effectiveness of this policy depends on employees reporting conduct that may violate it. An employee who believes that they, or someone else, has been subjected to conduct that violates this policy should report it promptly to their supervisor, Human Resources, or the City Manager's Office so the City can investigate and take appropriate corrective action.

16. Policy Administration

The Human Resources Department is responsible for administering this policy, including determining leave eligibility and coordinating leave under this policy with the FMLA and other applicable laws and City policies. Questions about this policy, or about pregnancy or parental leave not addressed here, should be directed to Human Resources at HR@covingtonky.gov.

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The City reserves the right to modify this policy as needed to comply with changes in the law or City personnel policy, subject to applicable approval processes.

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