§ 2.2-1210. Parental leave

A. As used in this section:

"Eligible employee" means a classified or at-will state employee who has been employed by the Commonwealth for a minimum of 12 consecutive months.

"Parental leave" means paid leave provided at 100 percent of an eligible employee's regular salary.

B. The Department shall implement and administer parental leave for eligible employees. Following the birth, adoption, or foster placement of a child younger than age 18, an eligible employee shall receive eight weeks (320 hours) of parental leave. If both parents of such child are eligible employees, each shall receive parental leave, which may be taken concurrently, consecutively, or at different times.

C. Parental leave shall be taken within six months following the birth, adoption, or foster placement of the child. Parental leave shall be taken only once in a 12-month period and only once per child.

D. Parental leave shall be in addition to other leave benefits available to state employees, including the Virginia Sickness and Disability Program under Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1, sick leave under Article 2 (§ 51.1-1104) of Chapter 11 of Title 51.1, annual leave, and leave under the Family and Medical Leave Act (29 U.S.C. § 2601 et seq.), and shall not be counted against leave under such programs. Parental leave shall run concurrently with any leave provided to an eligible employee under the Family and Medical Leave Act. Parental leave may run concurrently or sequentially with leave provided under the Virginia Sickness and Disability Program if an eligible employee is eligible for such leave. All legal holidays designated pursuant to § 2.2-3300 shall not be counted against parental leave.

E. On July 1, 2020, and every July 1 thereafter, each state agency's human resource manager shall submit to the Department, in a form and containing such data as prescribed by the Department, a report on the use of parental leave by agency employees for the preceding fiscal year.

F. The Department shall develop and publish guidelines on parental leave that shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2019, cc. 829, 844.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.