

**REPORT OF THE GOVERNOR'S
PERSONNEL ADVISORY BOARD ON A**

Parental Leave Policy For State Employees

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 26

**COMMONWEALTH OF VIRGINIA
RICHMOND
1991**



COMMONWEALTH of VIRGINIA

Governor's Personnel Advisory Board

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December 12, 1990

The Honorable L. Douglas Wilder
Governor
Office of the Governor
The State Capitol
Richmond, VA 23219

Dear Governor Wilder:

As adopted by the 1990 General Assembly, House Joint Resolution 197 requested the Governor's Personnel Advisory Board to study the feasibility and desirability of implementing a parental leave policy for employees of state government agencies. Such study was undertaken by the staff of the Department of Personnel and Training; and attached hereto is the final product of that effort which includes input, as requested, by the Governor's Personnel Advisory Board.

The desirability of and need for a "parental leave policy" must be carefully considered within the overall context of all other organizational personnel policies. The possibility for inconsistencies in the discretionary application of the state government's two forms of leave-of-absence (conditional versus unconditional), as mentioned in the attached report, may increase the desirability of a parental leave policy in the state government. That judgment and any fiscal implications with regard to that decision ultimately rests with your Office and the General Assembly.

I hope that this information proves helpful and satisfies the request as contained in HJR197. Please feel free to contact either me or Dorthula H. Powell-Woodson, Director of Personnel and Training for the Commonwealth, regarding these matters.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "C. Reggie Whitley".
C. Reggie Whitley

PREFACE

House Joint Resolution 197 directed the Governor's Personnel Advisory Board to study the desirability and feasibility of implementing a parental leave policy for state employees. To determine the desirability and feasibility of such a policy, the Resolution directed the Advisory Board to: (1) examine the costs associated with the recruiting, hiring, and training of personnel who would replace employees who leave state service because of the lack of a parental leave policy; (2) compare those costs with the costs of hiring temporary employees if a parental leave policy were implemented; (3) study current leave policies for the private and public sectors; and (4) study the effect that a parental leave policy could have on employee productivity, morale, and attachment to the work force. This report presents findings on these issues.

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particular employee would substantially impair the agency's operations.

It is believed that revising the leave without pay policy will reduce potential inconsistencies resulting from agencies' discretionary administration of unpaid leaves, and enhance job security for state employees.

I. INTRODUCTION

According to House Joint Resolution (HJR) 197 (see Appendix A), under current sick leave and leave of absence policies, an employee may be terminated for absence if the employee's performance is affected by the employee's absence, "even if the absence is for a genuine health reason, which may include maternity." Thus, HJR 197 maintained that "a parental leave policy could help alleviate some of the concerns of parents who choose to take a leave of absence from their jobs."

Accordingly, HJR 197 directed the Governor's Personnel Advisory Board to study:

1. the costs involved with recruiting, hiring, and training full-time, classified employees to replace state workers who leave positions due to the absence of a parental leave policy;
2. the costs of hiring temporary replacements for employees who take leaves of absence for parental reasons;
3. the parental leave policies in use in the private sector, school divisions, and local governments; and
4. the effect of implementing a parental leave policy on employee productivity, morale, and attachment to the state's work force.

For the purpose of this study, parental leave is defined as paid or unpaid leave for maternity, paternity, and adoption purposes. Maternity leave is defined as an absence from work taken to recuperate from childbirth. Paternity leave is defined as an absence from work taken to assist a spouse who is recovering from childbirth. Adoption leave is defined as an absence from work taken at the time of adoption to bond with an adopted child.

The Commonwealth currently does not have a policy exclusively addressing parental leave (see Appendix B). Employees, however, are provided paid leave for any reason (including parental) through the use of their accrued annual leave balances and, to a limited extent, through the use of their accrued sick leave balances.

Under current policy, employees may use accrued sick leave to provide paid leave for maternity reasons only for the period of time certified by a physician as medically necessary for recuperation from childbirth. If paid leave

EXECUTIVE SUMMARY

House Joint Resolution (HJR) 197 directed the Governor's Personnel Advisory Board to determine the desirability and feasibility of implementing a parental leave policy for state employees.*

Background

A parental leave policy is one which explicitly allows leave to be taken for maternity, paternity, and adoption reasons. While the state does not have a policy exclusively addressing parental leave, employees are provided paid leave for any reason (including parental) through the use of their accrued annual leave balances and, to a limited extent, through the use of their accrued sick leave balances.

In addition, when employees have insufficient paid leave balances to cover necessary absences, current policies allow managers to grant unpaid leaves of absence. This can be done by placing employees on either unconditional or conditional leave without pay. Employees placed on unconditional leave are guaranteed the right to return to their former positions at the conclusion of the absence. Under conditional leave without pay, employees are not guaranteed the right to return to their former positions, and agencies may fill the positions as they determine the need.

Requests for unpaid leave are granted at the discretion of each agency on a case-by-case basis, potentially resulting in inconsistent treatment among state employees. Accordingly, some employees with insufficient leave balances who are not granted unpaid leave, but who nonetheless are required or choose to stop working for parental reasons, could lose their jobs.

By evaluating: (1) the costs associated with replacing employees who take leaves of absence for parental reasons, (2) the parental leave policies of other employers, and (3) the potential effects on employees of implementing a parental leave policy in the Commonwealth, this study seeks to

*Pursuant to discussions with the patron of HJR 197, information also was gathered to determine the feasibility of providing family-related leave for reasons other than parental. As used in this context, family-related leave would include absences from work to care for a sick child or other sick family member, to provide care for aging parents (elder care), or to bereave the death of a family member. The information gathered is set out in Appendix D.

determine whether a parental leave policy "could help to alleviate some of the concerns of parents who choose to take a leave of absence from their jobs." HJR (197)

Evaluation

Costs of permanent replacements. The recruitment, hiring, and training costs associated with employing full-time classified replacements for employees who resign from state service for parental reasons was estimated to be approximately \$2,263 per replacement.

Cost of temporary replacements. The wages for a temporary replacement for an employee taking 30 work days (i.e., six weeks) of parental leave was estimated to be \$1,829. This amount is slightly less than the cost to replace permanently the classified employee who resigns for parental reasons.

Employers' policies. Public and private sector employers were surveyed to identify their current parental leave policies. Survey responses showed that most employers (60%), like Virginia, have not implemented policies exclusively addressing parental leave.

Potential effects on employees of implementing a parental leave policy. Randomly-selected employees were surveyed to ascertain the potential effects of implementing a parental leave policy on productivity, morale, and the desire to stay in state service. Approximately 50% of the survey respondents reported that implementing a formal parental leave policy would increase their morale and desire to stay in state service.

Conclusion

Less than 10% of the employees responding to the survey reported taking paid leave for parental reasons, and less than 2% reported taking unpaid leave for parental reasons. Thus, the survey results indicated little need to modify the state's current paid leave policies to provide additional leave that could be used for parental reasons.

However, because unpaid leave is granted at the discretion of each agency and each agency determines whether unpaid leave will be unconditional or conditional, there may be inconsistencies in the way unpaid leave is granted. It is recommended, therefore, that the state's current leave without pay policy be revised to provide unconditional leave without pay for maximum periods of 30 work days (i.e., six weeks) to all employees requesting unpaid leave for parental reasons. Exceptions to this policy may be granted where it is demonstrated that a six-week unpaid leave of absence for a

for maternity reasons is desired beyond this medically necessary period of time, accrued annual leave must be used. In cases of paid sick leave for paternity reasons, employees are restricted to using a maximum of three days of accrued family sick leave per occurrence, not to exceed six days per year. If additional paid leave for paternity reasons is desired beyond the three-day period, accrued annual leave must be used. Paid absences for adoption reasons currently must be charged to annual leave.

Current state leave policies allow each agency to determine if unpaid leaves of absence for parental reasons will be granted, and if these unpaid leaves will be unconditional or conditional. Employees placed on unconditional leave are guaranteed the right to return to their former positions at the conclusion of the absence. Under conditional leave without pay, employees are not guaranteed the right to return to their former positions, and agencies may fill positions as they determine the need.

The latitude given agencies with regard to determining the nature and extent of unpaid leave has been considered necessary to allow agencies to hire permanent replacements in those cases where the length of the desired absence would impair management's ability to continue effective operations, or the particular position involved was one that necessitated an immediate permanent replacement. Agencies, however, have not been required to identify the factors which support their decisions not to grant unpaid leave, or to grant conditional leave without pay. Accordingly, the potential exists that similarly situated employees may be treated differently.

II. PARENTAL LEAVE

While the state does not have a policy exclusively addressing parental leave, employees are provided paid leave for any reason (including parental) through the use of their accrued annual leave balances and, to a limited extent, through the use of their accrued sick leave balances. Comparative data on parental leave policies of other employers were collected by surveying private and public sector employers. Survey data indicated that the Commonwealth compares favorably to other employers because 60% of employers have not implemented policies exclusively addressing parental leave.

A. Paid Leave

As previously stated, state employees are provided paid leave for any reason (including parental) through the use of their accrued annual leave balances and, to a limited extent, through the use of their accrued sick leave balances.

Cost of Temporary Replacements

When state employees take paid leave for any reason, including parental reasons, agencies may hire temporary replacements to fill the positions. These replacements do not receive fringe benefits from the state. Agencies may be required, however, to pay the costs associated with unemployment insurance (UI) for certain temporary employees, depending on the amount of wages the individual earned within a specific period of time; whether the individual was employed by a qualifying employer; and whether the individual is considered available for work. Because these factors vary from employee to employee, a uniform cost related to UI cannot be calculated. Therefore, the only incurred cost used here is the cost of wages.

According to employee survey data, temporary replacements were hired for employees on paid leave for parental reasons only in cases of maternity leave (see Appendix C). The typical period of recuperation from childbirth is 30 work days (i.e., six weeks). Using this time period, the average cost of using a temporary replacement for a full-time employee on paid leave is estimated to be \$1,829.

Employers' Paid Leave Policies

To collect comparative data on the parental leave policies of other employers, 262 employers were surveyed. The employers surveyed included all other state governments, as well as local governments, school divisions, and private companies in Virginia. Sixty percent (or 157 employers) returned the survey.

Table 1 displays the percentages of employers providing paid parental leave pursuant to policies exclusively addressing parental leave (i.e., "distinct" policies), and those, like Virginia, which do not.

Table 1

Percentage of Employers Offering Paid Parental Leave to Full-time Employees		
Types of Leave	With Distinct Policies	Without Distinct Policies
Maternity	93%	88%
Paternity	66%	28%
Adoption	87%	36%
Source: DPT staff analysis.		

Table 2 summarizes the limits placed on paid leave for parental reasons by the employers surveyed.

Table 2

Designated Limits on Paid Parental Leave for Full-time Employees		
Types of Parental Leave	% of Employers Specifying Limit for Leave	Most Frequent Limit
Maternity	39%	30 days
Paternity	37%	3 days
Adoption	32%	30 days
Source: DPT staff analysis.		

The majority of employers do not specify limits for paid parental leave. Employers who do not designate limits, like the Commonwealth, restrict the amount of paid leave employees may use for this purpose to the leave balances employees have accrued.

Of the employers with paid maternity leave, 39% place limits on the amount of paid leave which may be taken. The most frequent employer limit placed on paid maternity leave was 30 work days (i.e., six weeks), which typically is considered to be the period of medical disability.

Of the employers who offer paid paternity leave, 37% place limits on the amount of paid leave provided. The most frequent limit placed on paid paternity leave was three work days.

Of the employers who provide paid leave for adoption reasons, 32% of these employers place limits on the amount of paid leave provided. The most frequent employer limit placed on paid adoption leave was 30 work days, thereby making adoption leave limits comparable to the limits set for paid maternity leave.

Conclusion

The Commonwealth's policies on paid leave for parental reasons are comparable to those of the majority of other employers. Like most employers, Virginia limits the amount of paid leave to the leave balances employees have accrued at the time an absence is taken. To provide paid leave without regard to employees' accrued leave balances potentially could create a financial burden to the Commonwealth of substantial proportions.

The State's current policies on paid leave for parental reasons appear to meet the needs of employees. The survey data indicated that only 2% of the employees needed to go on leave without pay when taking a parental leave of absence. In other words, for 98% of the state's employees, the Commonwealth's current paid leave policies provide income protection to those employees who are required, or choose, to take a parental leave of absence. Consequently, it is suggested that no change be made to the state's current paid leave policies.

B. Unpaid Leave

When employees have insufficient paid leave balances to cover necessary absences (including absences for parental reasons), current policies allow managers to grant employees unpaid leaves of absence. Accordingly, employees may be placed on either unconditional or conditional leave without pay.

Employees who are placed on unconditional leave without pay are guaranteed the right to return to their former positions at the conclusion of the absence. Under conditional leave without pay, however, employees are not guaranteed the right to return to their former positions. Agencies may place employees on conditional leave without pay when a reinstatement to the former position does not appear practical because of the agency's need to fill the employee's position. Agencies, however, have not been required to identify the factors which support their decisions to grant

conditional leave without pay. Therefore, similarly situated employees may be treated differently.

Cost of Temporary Replacements

When state employees take leave for any reason, including parental reasons, agencies may hire temporary replacements to fill the positions. The cost of hiring a temporary employee to replace an employee who takes unpaid leave is the same as the cost previously identified concerning paid leave. Therefore, the primary cost incurred by agencies is \$1,829 in estimated wage expenses for 30 work-days (i.e., six weeks).

The survey data indicated that only an extremely small percentage of employees (1.7%) took unpaid leave for parental reasons, and that of these employees only a small percentage (2.4%) were replaced with temporary employees. Consequently, total wages paid annually to temporary employees who replace employees on unpaid leave for parental reasons is relatively small.

Costs of Permanent Replacements

When state employees take conditional leave without pay or resign from state service for any reason, including parental reasons, agencies may hire permanent replacements to fill their positions.

Each time a full-time classified employee is replaced with another full-time employee, the state incurs recruitment, hiring, and training costs. State agencies do not track the costs associated with training new employees to perform their assigned job duties. However, the "Human Resources Effectiveness" report, published in 1989 by the Society for Human Resource Management/Saratoga Institute, claims the average cost to train new employees ranges from \$173-\$480 per person. Table 3 summarizes all of these costs.

Table 3

Estimated Recruitment Costs*	
Advertising Costs	\$ 375
Human Resource Staff Time	1,171
Interview Panel Staff Time	390
Training**	327
Total	<u>\$2,263</u>
*Based on estimated costs in DPT	
**Average training costs	
Source: DPT staff analysis.	

As illustrated in the table, the approximate recruitment, hiring, and training costs total \$2,263, based on a new hire in the Department of Personnel and Training (DPT).

Data on employee resignations maintained on the state's Personnel Management Information System (PMIS) indicate that, for FY 1990, 3,117 employees resigned from state service either for "home responsibilities" or "other" reasons. However, these categories do not necessarily indicate that the resignations were due to reasons that fall within the ambit of parental leave. Consequently, follow-up was conducted with state agency human resource managers to determine the actual number of employees who resigned for parental reasons during FY 1990.

Results showed that only 61 of the resignations (or 2%) were known to have been for parental reasons. Agency human resource managers also reported that 40 employees were placed on conditional leave without pay for parental reasons during FY 1990. It is estimated that it would have cost the state \$228,563 to replace these 101 employees.

Employers' Unpaid Leave Policies

Like paid leave, employers were surveyed on their unpaid parental leave policies. Table 4 displays the percentages of employers providing unpaid parental leave pursuant to policies exclusively addressing parental leave (i.e., "distinct" policies), and those, like Virginia, which do not.

Table 4

Percentage of Employers Offering Unpaid Parental Leave to Full-time Employees		
Types of Leave	With Distinct Policies	Without Distinct Policies
Maternity	41%	28%
Paternity	33%	8%
Adoption	39%	14%
Source: DPT staff analysis.		

Table 5 summarizes employers' survey data regarding the limits placed on unpaid leave for parental reasons.

Table 5

Designated Limits on Unpaid Parental Leave for Full-Time Employees	
Types of Parental Leave	% of Employers Specifying Limit for Leave
Maternity	28%
Paternity	34%
Adoption	35%
Source: DPT staff analysis.	

Few employers, including Virginia, designate uniform limits for unpaid parental leave, and those employers who do not specify any such limits determine the length of absence on a case-by-case basis.

Conclusion

The Commonwealth's policy of granting unpaid parental leave on a case-by-case basis is comparable to the policies of the majority of other employers. Survey data indicated that the state's policies on unpaid leave meet the needs of employees as well, because only small percentages of employees either resigned or were placed on leave without pay for parental reasons.

The discretionary administration of leave without pay could result in inconsistent treatment among similarly situated employees.

On the other hand, it is important to provide agencies some latitude in those situations where granting unpaid leave could impair effective agency operations. For example, agencies may not be able to find qualified temporary replacements for employees who take unpaid leave, depending upon the type of position. Additionally, the length of the unpaid absence can be a crucial factor in determining whether a permanent replacement is needed.

However, because agencies have not been required to demonstrate that a position cannot remain vacant during an employee's absence, or that a permanent replacement is required in order to continue operations, the potential for

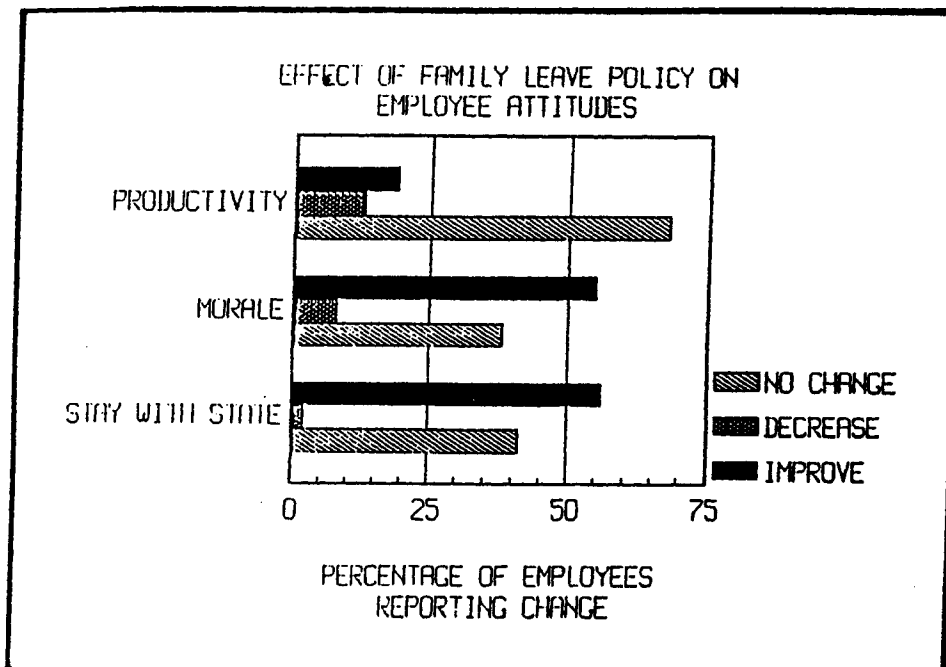
dissimilar treatment among similarly situated employees is created.

Therefore, it is recommended that the Department of Personnel and Training revise the current leave without pay policy to grant employees 30 work days of unconditional leave without pay for parental reasons (i.e., six weeks), except in cases where an adverse impact on agency operations can be demonstrated. The 30 work days normally is considered to be the period to recuperate from childbirth and, therefore, appears to be reasonable.

C. Potential Effects on Employees of a Parental Leave Policy

The impact of implementing a parental leave policy on employee productivity, morale, and attachment to the work force was measured by surveying current state employees. As shown in Table 6, a majority of employees responding indicated that a parental leave policy would have a positive impact on their morale and desire to stay with the state. However, employees also indicated that the implementation of such a policy might not improve productivity.

Table 6



Based on this employee survey data, it appears that a revised leave without pay policy could have a positive impact on state employees' morale and attachment to the work force.

III. CONCLUSION

Like the majority of employers, the state does not have a distinct parental leave policy. Current policies, however, provide opportunities for both paid and unpaid leave for the purposes of maternity, paternity, and adoption.

Employees of the Commonwealth currently are provided paid leave to cover absences for any reason (including parental) through the use of their accrued annual leave balances and, to a limited extent, through the use of their accrued sick leave balances. In addition, when employees have insufficient paid leave balances to cover necessary absences, current policies allow managers to grant employees either conditional or unconditional leave without pay.

Virginia's current system of providing leave for parental reasons is comparable to the systems used by the majority of employers. Further, the current system of providing paid leave for parental reasons appears to meet the needs of employees.

At the present time, the administration of the Commonwealth's leave without pay policies is left to the discretion of agency management. Agency management has the authority to approve unpaid leave for parental reasons and to make such leave either unconditional or conditional. Conditional leave without pay typically is intended to be used only in cases where maintaining a vacant position would adversely impact effective agency operations. Such cases typically occur when qualified temporary replacements cannot be found or when the requested absence is lengthy. In these cases, full-time classified employees lose job security.

Moreover, discretionary administration of the state's leave without pay policies creates a potential for inconsistent treatment among employees requesting unpaid leave. Current policies do not require agencies to identify the bases for their decisions to place employees on conditional leave without pay. Consequently, there is the potential that similarly situated employees will be treated differently.

There appears to be a need to revise the state's current leave without pay policy to eliminate the problems identified with discretionary administration of current policies. The state's leave without pay policy should require agencies to provide unconditional leave without pay for a maximum of 30 work days (i.e., six weeks) to all employees requesting unpaid leave for parental reasons, except in cases where it is demonstrated that a six-week unpaid leave of absence for a particular employee would substantially impair the agency's operations.

This policy revision would eliminate the potential for inconsistent treatment among state employees and provide greater job security to employees needing unpaid leaves for parental reasons. In addition, employees would be provided with more opportunities to take unpaid leave without having to resign from state service.

**1990 SESSION
ENGROSSED**

HP4057600

HOUSE JOINT RESOLUTION NO. 197

House Amendments in [] - February 7, 1990

Requesting the Governor's Personnel Advisory Board to study the feasibility and desirability of implementing a parental leave policy in the public sector.

Patrons—Woods, Cunningham, J.W., Dillard, Rollins, Callahan, Mayer, Keating, Brickley, Almand, Purkey, Harris, R.E., Byrne, Marshall, Van Landingham, Fill and Eck; Senators: Calhoun and Miller, E.F.

Referred to the Committee on Appropriations

WHEREAS, infants have developmental and bonding needs that should be met by their parents; and

WHEREAS, demographic changes have demonstrated that more and more families are headed by either a single parent or two working parents; and

WHEREAS, the option to use infant care programs may be limited because some child care settings are at capacity, or do not provide infant care; and

WHEREAS, under some sick leave and leave of absence policies, an employee may be terminated if the employee's performance is affected by the employee's absence, even if the absence is for a genuine health reason, which may include maternity; and

WHEREAS, according to some, working parents should not have to make the difficult choice between job security and parenting; and

WHEREAS, a parental leave policy could help to alleviate some of the concerns of parents who choose to take a leave of absence from their jobs; and

WHEREAS, other states have enacted legislation requiring job-protected parental leave; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor's Personnel Advisory Board be requested to study the feasibility and desirability of implementing a parental leave policy in the public sector. The Advisory Board should (i) examine costs associated with the recruiting, hiring, and training of personnel that would be needed in order to replace employees choosing, or being forced, to leave their state agencies (in the absence of a parental leave policy); (ii) compare those costs with the costs of hiring temporary employees (e.g., unemployment compensation taxes due to layoffs) if a parental leave policy were implemented; (iii) study current private leave policies in use in the private sector [, in school divisions,] and in local governments; and (iv) study the effect that a parental leave policy could have on employee productivity, morale, and attachment to the work force.

The Advisory Board shall complete its work in time to submit its findings and recommendations to the Governor and the 1991 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Official Use By Clerks

**Agreed to By
The House of Delegates**
without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Agreed to By The Senate
without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Date: _____

Date: _____

Clerk of the House of Delegates

Clerk of the Senate

APPENDIX B

THE COMMONWEALTH'S LEAVE POLICIES

The Commonwealth's current leave policies allow employees to take paid and unpaid leave for parental and family-related reasons. The policies used to provide these types of leave are summarized below.

Provision of Leave

The Commonwealth's classified employees accrue both annual and sick leave which allows them to continue to receive full salaries when they take time off from work. Under certain conditions, classified employees may earn other paid leave, such as compensatory or overtime leave for extra hours worked. These leave balances also may be used to take time off from work with full pay. Employees who do not have adequate leave balances to cover necessary absences typically are placed on leave without pay.

Annual Leave. The Commonwealth's annual leave policy allows all full-time classified employees to accrue annual leave at rates of four to seven hours per pay period. The accrual rate correlates to the employees' years of service. Annual leave is intended to be used as time off for personal reasons, such as vacation; however, it may be used to cover other absences. Annual leave balances may be carried over at year end, up to a maximum amount of 336 hours (42 days) for employees with 20 or more years of State service.

Sick Leave. The Commonwealth's sick leave policy allows full-time classified employees to accrue sick leave at the rate of five hours per pay period for a total of 120 hours (15 days) per year. There is no limit on the number of accrued sick leave hours which can be carried forward at the end of the year.

Sick leave may be taken for any one of the following purposes, as set out in Rule 10.4 of the Rules for the Administration of the Virginia Personnel Act:

1. an illness or injury incapacitating the employee to perform his duties;
2. an exposure to contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
3. a doctor's appointment for examination and treatment related to health;

4. disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom; and
5. an illness or death in the immediate family.

Policy defines "immediate family" as parents, spouse, children, brother or sister, and any relative (either blood or by marriage) living in the household of the employee. Step-parents, step-children, and step-siblings are included in the definition of "immediate family." The current sick leave policy restricts the use of accrued sick leave for illness or death of an immediate family member to 48 hours (6 days) per calendar year.

It also should be pointed out that under the sick leave policy, use of sick leave for maternity purposes is limited to the number of days certified by a physician as medically necessary. If the employee does not have sufficient sick leave balances to cover the time certified as medically necessary, she may use annual, other paid leave, or leave without pay. If additional leave is requested beyond the period of medical disability, this time must be charged to annual leave, other paid leave, or leave without pay and is granted at the discretion of agency management.

Leave Without Pay. Leave without pay may be granted at agency discretion for educational leave, annual leave, and sick leave. The amount of unpaid leave taken by employees for parental, family, or bereavement reasons is approved on a case-by-case basis by individual agency directors.

There are two types of leave without pay used by the Commonwealth, unconditional and conditional. Employees placed on unconditional leave are guaranteed the right to return to their former positions at the conclusion of the absence. Under conditional leave without pay, employees are not guaranteed the right to return to their former positions, and agencies may fill the positions as they determine the need.

Table 1 presents a summary of how current state leave policies may be used for parental or family-related reasons. Included in the table is an explanation of the leave available and the maximum lengths of time allowed for various absences.

Table 1

State Leave Policies		
Reason for Absence	Types of Leave Allowed	Maximum Length of Absence
Maternity	Sick leave for time certified by physician. Annual, other paid leave, or leave without pay, if not enough sick leave available. For additional time off, annual, other paid leave, or leave without pay may be used.	Varies according to medical needs, employee's desire, and agency needs.
Paternity	Sick leave may be used while wife or child is hospitalized, or wife is medically disabled. Annual or other paid leave may be used if available and leave without pay may be used. Use of paid and unpaid leave is approved at management's discretion.	Up to 48 hours (6 days) of sick leave per year. No more than 24 hours may be used for each occurrence.
Adoption	Annual or other paid leave may be used if balances are available. If not, leave without pay must be used.	Length is approved at management's discretion.
Elder Care Sick Child Sick Family Bereavement	Sick leave may be used for illness or death of a member of the employee's immediate family. Annual or other paid leave may be used, if available, and leave without pay may be used. Use of paid or unpaid leave is approved at management's discretion.	Up to 48 hours (6 days) of sick leave per year. No more than 24 hours may be used for each occurrence of illness or death of immediate family member.
Source: DPT Policies and Procedures Manual, Rule 10		

APPENDIX C

STATE EMPLOYEE USE OF LEAVE FOR PARENTAL AND FAMILY-RELATED REASONS

Data regarding state employee use of leave for parental and family-related reasons were collected for a one-year period (September 1, 1989 through August 31, 1990). The data were collected by surveying 804 randomly-selected, full-time classified employees. The employee population was stratified into four groups, based on years of service. One percent of the employees in each of these groups was surveyed. This sample size helped ensure that total error could be maintained at the generally accepted limit of five percent. Approximately 52% (415 employees) responded to this survey.

As indicated in Table 1 the majority of state employees did not take either paid or unpaid leave for parental or family-related reasons during the one-year period of time examined by the employee survey. Some employees may have taken more than one type of leave, e.g., sick child, sick spouse, and bereavement. Other employees may have taken only one type of leave, while still others took no leave for any of the reasons studied.

Table 1

Use of Leave by State Employees for Parental or Family-Related Reasons (September 1, 1989 through August 31, 1990)				
Type of Leave	Days of Paid Leave	% of Employees Using	Days of Unpaid Leave	% of Employees Using
<u>Parental</u>				
Maternity	28	7.3%	32	1.7%
Paternity	5	2.4%	0	0.0%
Adoption	0	0.0%	0	0.0%
<u>Family</u>				
Sick Child	4	24.0%	2	0.5%
Sick Spouse	5	21.5%	2	1.7%
Sick Family	4	12.0%	3	0.5%
Bereavement	5	17.9%	4	4.0%
Source: DPT staff analysis.				

Paid parental leave was taken most frequently for maternity reasons (7.3% of employees), while paid family leave was taken most frequently to care for a sick child (24% of employees). The most frequent reason for taking unpaid leave was for bereavement reasons (4% of employees).

None of the employees responding to the survey reported taking either paid or unpaid leave for adoption purposes. In addition, none of the respondents reported taking unpaid leave for paternity reasons.

With the exception of maternity leave, a small number of both paid and unpaid leave days were taken for each type of leave reason examined. For all types of paid and unpaid leave listed in Table 1, except maternity, the average amount of leave taken was 14.4 hours (1.8 days). Both paid and unpaid maternity leave accounted for the largest amounts of leave taken by employees, averaging 214.4 hours (28.6 days).

APPENDIX D

FAMILY-RELATED LEAVE

The parental leave survey administered to employers in the private sector, school divisions, local governments, and other state governments also collected comparative data on employers' policies providing leave for other family reasons.

As shown in Table 1, bereavement leave, taken in cases of death in the employee's immediate family, is the most frequently offered type of paid leave for family-related reasons (93% of employers). However, small percentages of employers provide unpaid leave for bereavement reasons.

Table 1

Percentage of Employers Offering Family-Related Leave to Full-time Employees					
Types of Family-Related Leave	All Employers	Employers with Distinct Policy		Employers without Distinct Policy	
		Paid Leave	Unpaid Leave	Paid Leave	Unpaid Leave
Elder Care	39%	61%	23%	25%	8%
Sick Child	79%	92%	23%	70%	16%
Sick Family	74%	90%	21%	63%	12%
Bereavement	93%	95%	10%	92%	8%

Source: DPT staff analysis.

Most employers provide paid and unpaid leave for the care of a sick child or other sick family member, regardless of the existence (or absence) of a distinct family-related leave policy. The data indicated, however, that employers with distinct family-related leave policies are more likely to offer paid and unpaid leave for the care of a sick child or other family member than employers without distinct policies.

Survey data also indicated that 39% of employers provide some type of leave for taking care of elderly parents. Both paid and unpaid leave for elder care purposes was more likely to be offered by employers with distinct family-related leave policies than by employers without such policies.

Table 2 summarizes employers' survey data regarding the limits which employers designate for paid and unpaid leave taken for family reasons. Averages for the amounts of paid and unpaid family leave provided have not been reported

because some employers specify limits in terms of work days while others set limits in terms of consecutive calendar days.

Table 2

Designated Limits on Leave for Other Family Reasons for Full-time Employees				
Types of Family- Related Leave	Paid Leave		Unpaid Leave	
	% of Employers Specifying Limit for Leave	Most Frequent Limit	% of Employers Specifying Limit for Leave	Most Frequent Limit
Sick Child	51%	3 days	15%	*
Sick Family	50%	3 days	15%	*
Elder Care	38%	3 days	28%	*
Bereavement	78%	3 days	1%	*
* Small numbers of employers specify limits for unpaid leave. Therefore, valid generalizations cannot be made.				
Source: DPT staff analysis.				

Designated limits on paid leave for other family reasons. Survey data appears to indicate that the likelihood of employers specifying limits for paid leave for other family reasons depends upon the type of leave taken. Approximately one-half of employers specify limits for the amounts of paid leave which may be taken for care of a sick child or other family member. The majority of employers do not provide paid leave for elder care purposes. Of those employers who do offer paid leave for elder care, 38% specify limits on the length of leave which may be taken. Seventy-eight percent of employers designate limits for the amount of paid bereavement leave which may be taken.

Employers most frequently limit paid leave for other family reasons to three work days. Those employers who do not specify limits for paid family leave restrict the amount of paid leave employees may use for this purpose to the leave balances employees have accrued under their respective policies.

Designated limits on unpaid leave for other family reasons. The majority of employers do not specify set limits for unpaid leave for other family reasons, regardless of the reason for the absence. These employers decide on a discretionary, case-by-case basis how much unpaid leave will be authorized.

Family-related leave in the state. The Commonwealth,

like many other employers, provides paid and unpaid leave for family-related reasons. The amount of paid personal sick leave provided to state employees for the care of a sick child or immediate family member, elder care, and bereavement is limited to three work days per occurrence, with a limit of six work days of sick leave per calendar year. However, state employees may use annual or other paid leave balances, at the discretion of the agency head, for additional paid leave for family illnesses and death. The state's current policies for providing paid leave for family reasons appears adequate because less than 5% of state employees reported going on leave without pay for either the care of a sick child or other family member, elder care, or bereavement reasons (see Appendix C).

The state currently does not specify limits for unpaid leave for family-related reasons. Requests for such leaves of absence are decided on a discretionary, case-by-case basis. Such discretionary administration of the state's unpaid leave policies can result in a loss of job security and the potential for inconsistent treatment among employees taking leave without pay for other family reasons.

Costs incurred to replace classified employees who leave state service for other family reasons. As discussed in the section on parental leave, the absence of a distinct family-related leave policy may cause some employees to resign from state service or be placed on conditional leave without pay in order to care for sick children and other family members, provide elder care, or bereave family deaths. In such cases, full-time, classified employees may be recruited and hired as replacements.

The cost of recruiting, hiring, and training full-time classified employees to replace those who resign from state service or are placed on conditional leave without pay for family-related reasons is approximately \$2,263 per employee.

Costs incurred for temporary replacements. If agencies choose to use temporary replacements for full-time classified employees on paid or unpaid leave for family-related reasons, the cost of the temporary replacement's wages is approximately \$1,829 for a period of 30 work days (i.e., six weeks). This cost excludes any unemployment insurance costs which also may be incurred when temporary replacements are used.

APPENDIX E

TECHNICAL SUMMARY

DPT policy and sound research practice require a technical explanation of research methodology. This technical summary provides an overview of the major research techniques used during the course of this study. Complete copies of the survey instruments used in this study and additional raw data survey results may be obtained by writing to the Office of Evaluation and Policy, Department of Personnel and Training, 101 N. 14th Street, Richmond, VA 23219.

1. Survey of Other Employers. A survey designed to collect data on the types and amounts of leave provided to full-time, part-time, and hourly employees was administered to 262 employers. These employers included the 49 other state governments, 15 county governments, 41 city governments, 15 county school systems, 41 city school systems (selected from *Virginia Facts and Figures, 1990*, published by the Virginia Department of Economic Development), and 100 of the largest private employers in Virginia. A total of 157 respondents (60%) returned the surveys. The generalized results of the survey are summarized in the "Report of the Governor's Personnel Advisory Board on a Parental Leave Policy for State Employees."
2. Survey of Full-time Classified Employees. Questions designed to collect data on the use of leave for parental and other family reasons was included as part of a joint survey on family leave and short term disability. This survey was administered to 804 randomly-selected, full-time classified employees. A total of 415 employees (52%) returned this survey. Generalized analysis results for those survey questions related to parental leave are summarized in the "Report of the Governor's Personnel Advisory Board on a Parental Leave Policy for State Employees."
3. Review of Employee Resignation Data. Data on employee resignations obtained from the Personnel Management Information System (PMIS) for FY 1990 were used to identify the employees who resigned from state service for "home responsibilities" or "other" reasons. These two categories potentially were reflective of resignations for parental and family-related reasons. The names of these employees were submitted to the human resource staff in the employing agencies for the purpose of

identifying the number of employees who actually resigned for parental and other family reasons. Agency human resource staff also provided data on the number of employees who were placed on conditional leave without pay for parental and other family reasons during that year.

