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FAMILY FIRST LEAVE POLICY

Effective Date: July 1, 2023

Owner	Human Resources
Reviewer(s)	Human Resources
Approver(s)	County Manager
Applicable Policies	ADA & Reasonable Accommodation; Progressive Disc
Applicable Documents	N/A
Storage Location	DCo Services Hub, DocTract
Last Review Date	07/01/2025
Next Review Date	07/01/2028
Review Cycle	Three Years

1. PURPOSE

Durham County offers paid leave to employees, who need to take time off work (1) to bond with a new child entering their life by birth, or adoption; (2) to care for a seriously ill family member; and (3) for employee self-care or when the employee or the employee's family member is the victim of domestic violence, sexual assault, or stalking.

2. POLICY

This policy establishes Family-First paid leave program eligibility, the types of leave that can be designated under these programs, and the process for requesting leave. The types of leave covered under the Family-First Paid Leave Policy include Paid Parental Leave (PPL), Paid Family Leave (PFL) and Personal Leave.

3. APPLICABILITY

All regular status County non-probationary employees, in regular, or trainee status who accrue and use leave covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding.

4. DEFINITIONS

Child - A biological, adopted, , stepchild, legal ward, or a child of a person standing in loco parentis.

Employee - A person who performs services or labor for the County in return for some form of compensation, and who is treated as an employee for the purposes of withholding social security and tax payments in accordance with Internal Revenue Service regulations.

Family Members for Whom an Employee May Take Paid Family Leave (PFL) – A spouse, parent (includes in-laws and stepparents), child, siblings, grandparents and grandchildren.

In Loco Parentis - A relationship in which a person has put himself or herself in the situation of a parent by assuming the long-term (for a period of 12 months or longer) obligations of a parent to a child with whom s/he may have no legal or biological connection. Criteria for determining in loco parentis relationships include

Claudia Hager, County Manager	Effective Date:
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whether the person assumed day-to-day responsibilities of care and/or financial support. Other factors may include the age of the child: the degree to which the child is dependent on the person; amount of financial support, if any, provided; and the extent to which duties commonly associated with parenthood are exercised. The fact that a child has a biological parent(s) in the home does not prevent an employee from standing *in loco parentis.*

Parent - A biological, adoptive, stepparent, legal guardian, or an individual who stands *in loco parentis* to a child.

Serious Health Condition - An illness, injury, or impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider or assistance of a caretaker in the home after a health event requiring medical treatment. Chronic conditions and long-term permanent periods of incapacity may also meet the requirements, as would certain conditions requiring multiple treatments.

Program	Definition	Eligibility	Benefit
Paid Parental Leave (PPL)	Leave available for the first three months after the birth of an employee's own child or the first three months after the placement of a child with the employee in connection with adoption, foster care, or in loco parentis.	Employees in non-probationary, regular, trainee, status can request PPL for the first three months after the birth of an employee's own child or the first three months after the placement of a child with the employee in connection with adoption, foster care, or in loco parentis.	PPL will provide 100% of an employee's salary for up to 12 weeks in a continuous block of time for a child under 5 years of age, and 6 weeks in a continuous block of time for a child 5 years of age and older.
Paid Family Leave (PFL)	Leave available to care for a family member who has a serious health condition.	Employees in non-probationary, regular, trainee, status can request PFL to care for a family member who has a serious health condition.	PFL will provide 100% of an employee's salary for up to 6 weeks on a continuous basis per fiscal year.
Personal Leave	Leave available for self-care or when the employee or the employee's family member is the victim of domestic violence, sexual assault, or stalking.	Employees in non-probationary, regular, trainee, or provisional status can request personal leave for self-care or when the employee or the employee's family member is the victim of domestic	Two (2) personal leave days per fiscal year.

*Part-time employees are eligible for Family-First Leave Programs on a pro-rated basis based on their work percentage.

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5. GENERAL GUIDELINE

A. Paid Parental Leave (PPL)

1. An employee requesting Paid Parental Leave (PPL) must complete the following steps to apply for and obtain approval for the leave:

- At least 30 days prior to the anticipated date of the leave, submit a ticket through the DCoServicesHub to request the PPL request form and guidance material.
- After submission of the PPL request form, HR will review and indicate the status of the request and any next steps in the approval process. Determination of request will be made once the required documentation has been submitted to support the PPL request.
- To be approved for PPL, employees must provide a document from the list below. The document will confirm leave eligibility and start date.
    - FOR BIOLOGICAL CHILD: The Vital Records document issued by the hospital.
    - FOR AN ADOPTED OR FOSTER CHILD: Court signed documents indicating the date the child was placed in the home.
    - FOR IN LOCO PARENTIS: A form signed by the Court, DSS, or a Medical Provider indicating the child has been placed in employees' custody and the employee will assume the long-term obligations of a parent to the child for 12 months or longer.
- The approved timeframe of PPL will not exceed twelve (12) weeks for a child under 5 years of age; 6 weeks for a child 5 years of age and older.
- If both parents are employees, the combined total of PPL cannot exceed twelve (12) weeks for a child under 5 years of age; 6 weeks for a child 5 years of age and older.
- All approved absences associated within the first three months of the birth of an employee's own child or within the first three months of the placement of a child with an employee in connection with adoption, foster care, or in loco parentis will be recorded as PPL, and not charged against the employee's accrued leave.
- Employees on PPL will be eligible for holiday leave for county holiday(s) occurring during the approved PPL. Any county holidays occurring during the approved leave will extend the PPL period and must be used prior to the end of the fiscal year.
- Unless an employee has made a request to use other forms of leave to the Department Director and it has been approved, any employee who fails to report to work at the expiration of the approved leave will be considered absent without leave and will be subject to disciplinary action.

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B. Paid Family Leave (PFL)

1. To apply for the PFL benefit, employee should open a ticket through DCoServicesHub.
    - The PFL application will be provided and is required to be completed along with a medical attestation form completed by a medical provider. The medical attestation is due within 5 business days of the creation of the DCoServicesHub ticket. If certification is not received within 5 business days, ticket will be closed and a new one will need to be reopened by employee.
    - Employees are responsible for making timely requests for PFL as it will not be applied retroactively to an earlier pay period.
    - Approval details, to include date range of leave and usage parameters for timesheet entry will be emailed to employee, their supervisor, and the Departmental HR representative.
    - PFL must be used on a continuous basis of time and will not be granted on an hourly basis but provided on a continuous basis in full workday increments (i.e., 7.5, 8, 8.4 hours, etc., which does not include flex day hours).
    - Employees are responsible for accurately reporting leave usage on their timesheet.
    - If an employee previously used PFL within the fiscal year, HR will determine the remaining available balance if there is an additional need for leave.
    - The amount of paid family leave for any one person shall not exceed six (6) weeks per fiscal year.
        - If both parents are employed by the County and have one qualifying event, each parent is eligible for six weeks of PFL. Each parent can use their allocated six weeks either concurrently or consecutively.

C. Personal Leave

1. Employees may use up to two (2) paid days per fiscal year to cover necessary absences from work when an employee or the employee's family member is the victim of domestic violence, sexual assault, or stalking or when the employee needs time for self-care.

Personal leave may be used to:

- seek time for personal self-care;
- seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by domestic violence, sexual assault, or stalking;
- obtain services from a victim services organization;
- obtain mental health or other counseling;
- seek relocation due to the domestic violence, sexual assault, or stalking;

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- seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic violence, sexual assault, or stalking, or
- take other steps necessary to protect or restore their physical, mental, emotional, and economic well-being or the well-being of an immediate family member.

While it may not be feasible for an employee to provide advance notice of the need to take personal leave, employees must follow their department's absence reporting protocol when the need is known. Direct contact should be made with the employee's supervisor. If a supervisor is not available, detailed information must be left consistent with Departmental guidelines outlining when and where the employee can be reached, and any other related pertinent information. Employees will record personal leave on their timesheets.

- When using Personal Leave, employees are not required to provide any medical documentation and requesting documentation of any kind related to the use of personal leave is prohibited.
- Family-First Leave Programs are not compensable in any final leave payments when an employee separates from the County and do not accumulate or carry over to the next fiscal year.
- Family-First Leave Programs do not require the concurrent usage of FMLA as these leave programs offers the same protections of FMLA.

6. RESPONSIBILITY

- It is the responsibility of supervisors and managers to uniformly administer, communicate, and ensure compliance.
- It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.
- It is all employees' responsibility to comply with policy guidelines.
- Any violation or policy misuse will result in disciplinary action up to and including dismissal.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v.1.0-2008	07-01-2023	Human Resources	Adopted
v.2.0-2025	07-01-2025	Human Resources	Reformat, PL day decrease, non-probationary