



## Paid Family Leave FAQ Effective May 22, 2023

Paid Family Leave (PFL) provides eligible state employees with paid leave to bond with the child following the birth or placement of a child for adoption. PFL provides parents with the means to spend critical bonding time with their child. PFL does not deplete an employee's accrued sick or vacation leave.

### 1. Who is eligible for twelve weeks of PFL?

All permanent employees who have been employed for at least six continuous months are eligible for PFL for bonding with a child as long as a child is born or placed for adoption on or after May 22, 2023.

### 2. What if I don't have six months of continuous employment when I have a baby/adopt a child? Can I use PFL after I reach six months of employment?

No, you must be eligible for PFL at the time of the birth or placement of the child to receive any PFL.

### 3. How much paid time off am I given under PFL?

Qualifying permanent, full-time employees are eligible for up to 40 hours per week for up to twelve weeks. Permanent part-time employees will receive prorated hours based on the FTE of their position.

### 4. Must I use the PFL in twelve consecutive weeks?

No. The weeks do not have to be consecutive as long as the leave is taken within a year of the birth or adoption. However, the leave must be used in one-week increments, for a total of twelve weeks. **Any hours of PFL not used during a week the employee takes PFL, will be lost.**

### 5. If a holiday falls on one of the weeks, I am on PFL will I receive holiday pay in addition to PFL for that holiday?

Yes, you will receive holiday pay for the holiday and PFL for the remaining days. Again, PFL is meant to keep employees whole, not to provide more than what is required.

**6. Can I use paid family leave intermittently?**

Yes. As mentioned in the previous question, the weeks do not need to be consecutive but must be taken in one week increments for a total of twelve weeks according to the employee's standard work week. **Any hours of PFL not used during a week the employee takes PFL, will be lost.**

**7. Am I required to take PFL immediately following the birth or adoption of a child?**

No, you may take PFL within one year following the birth or adoption.

**8. Is the placement of a child in foster care included in PFL?**

No. However, the placement of a foster child is a qualifying event for [Family Medical Leave Act](#).

**9. If both parents work for the SD Board of Regents, are they both eligible to take PFL?**

Yes, both employees are eligible to take paid family leave. The employees may take PFL at the same time but are not required to do so. For example, one parent may take PFL immediately following the birth or adoption and the other parent may take PFL after the parent returns to work.

**10. Is PFL an annual benefit or is it provided for each birth or adoption?**

An employee is eligible to take paid family leave per event. For example, an employee who has more than one birth or adoption in a year is eligible for paid family leave for each birth/adoption. However, for the birth or placement of multiples (e.g., twins), the employee will only be eligible for 12 weeks of PFL.

**11. Does PFL count against FMLA hours?**

Yes, it runs concurrently with FMLA.

**12. I have exhausted my FLMA. Am I still able to take PFL?**

Yes, if you have exhausted your FMLA and give birth or adopt a child within that 12-month period, you may still take PFL. However, you will not have the job protections that FMLA provides.

**13. Because PFL is intended for bonding with the baby or adopted child, does that mean it is not available for surrogates or in event of a miscarriage, stillbirth or infant death during childbirth?**

Yes, that is correct. However, you may qualify for FMLA and/or bereavement leave, please contact your Human Resources department to discuss options.

**14. What happens to PFL in the event of a baby's death?**

In the unfortunate event of a baby's death when an employee is on PFL, the PFL will no longer be available the week following the baby's death. This is due to PFL existing for bonding with the baby.