

CITY OF CHICAGO PAID PARENTAL LEAVE POLICY

Effective Date: April 1, 2025

Policy Statement

This policy defines when City of Chicago employees may take a specified period of paid leave following the birth, adoption, or foster of a child or children. This leave will be administered in conjunction with the [Family and Medical Leave Act of 1993 \(“FMLA”\)](#) and the Illinois Family Bereavement Leave Act (“FBLA”). Although Paid Parental Leave is coordinated with the FMLA and the FBLA, employees who do not qualify for Paid Parental Leave may still qualify for leave under the FMLA and/or the FBLA. Nothing in this policy shall be construed to limit or interfere with leave under the FMLA and/or the FBLA.

Overview & Eligibility

An employee must be eligible and approved for an FMLA leave due to maternity recovery and/or parental bonding in order to take Paid Parental Leave. An employee is eligible for FMLA leave if they have been employed with the City for at least twelve (12) months before taking leave and worked at least 1,250 hours during the 12-month period immediately preceding the leave.

Eligible employees may receive up to a total of twelve (12) work weeks of Paid Parental Leave for either the birth of the employee’s newborn child or children (to include the employee’s child or children born using gestational surrogacy or assisted reproduction), or for the adoption or foster of a child or children by the employee. The adoption of a spouse’s child is excluded from this policy unless the child is newly placed with both parents. Any Paid Parental Leave is to be taken within the first year following either the child or children’s date of birth, or the initial date of placement in the employee’s home in the case of adoption or foster care.

Paid Parental Leave may only be taken once per birth or placement event and must be used prior to the one (1) year anniversary of birth or prior to the one (1) year anniversary of initial placement in the case of adoption or foster care. Any unused Paid Parental Leave will be forfeited at the end of such a rolling year period.

An eligible employee who is a birthing parent who has suffered either a stillbirth or the loss of their child shortly after delivery, or an eligible employee who is acting as a gestational surrogate, may receive up to eight (8) workweeks of paid continuous leave for their own recovery from delivery. Paid leave for these reasons is only available to an employee who is either a gestational surrogate or a birthing parent who must recover from delivery. If postpartum complications arise that require additional leave beyond the routine recovery period, the employee may receive up to a maximum total of twelve (12) workweeks of paid continuous leave. Sufficient certification must be provided to the employee’s department HR Liaison in order to approve the additional leave time. Paid Parental Leave for any of these reasons may only be taken once per qualifying event and must be taken as continuous leave immediately following the event. Any unused paid leave will be forfeited.

In the event leave is due to stillbirth or the loss of the employee’s child shortly after delivery, up to two workweeks of leave may be covered under the Illinois Family Bereavement Leave Act

provisions found in the City's Bereavement Leave policy. Where the employee provides sufficient information to qualify for both Paid Parental Leave and Illinois Family Bereavement Leave, the two may run concurrently. If an employee does not wish to receive Paid Parental Leave, they may still take Illinois Family Bereavement Leave pursuant to the City's Bereavement Leave policy, either unpaid or paid using concurrent benefit time.

Paid Parental Leave for bonding may be requested on a continuous, intermittent, or reduced schedule basis. Intermittent and reduced schedule parental leave must be mutually agreed upon by the employee and their department head (or their designee) prior to the start of the leave. If the employee and their department head, or their designee, cannot mutually agree to an intermittent or reduced schedule, the employee has the right to take the leave on a continuous basis. Paid Parental Leave for bonding is not available to employees who are acting as gestational surrogates.

Utilizing Paid Parental Leave will not have a negative impact on employment status. Additional paid options following the exhaustion of Paid Parental Leave include the use of available accrued vacation time, compensatory time (as applicable), and/or personal days in accordance with the department's established work rules. Employees may also request unpaid Personal Business Leave under the Personnel Rules, the approval of which is at department discretion subject to final approval by the Commissioner of Human Resources. If an employee is eligible for FMLA in the next calendar year and wishes to request additional leave for parental bonding, such leave will be processed pursuant to the City's [FMLA policy](#).

Any fraudulent attempts to obtain Paid Parental Leave may result in discipline, up to and including discharge, a full reduction in benefits, and a denial of use of any paid benefit time during the denied dates.

Procedures

I. Requesting Paid Parental Leave

- a. To request Paid Parental Leave, eligible employees must submit a completed Application for Family & Medical Leave or Leave of Absence form to the department's HR Liaison at least thirty (30) calendar days prior to the start date of the leave. To the extent 30 days' notice is not possible, the employee must submit these forms to the department's HR Liaison as soon as possible.
 - i. When the leave is foreseeable and the employee fails to provide 30 calendar days advance notice, approval of the leave may be delayed until 30 days after the employee provided the notice.
 - ii. If an unforeseen condition or complication requires an employee to stop working prior to the originally anticipated start date of the leave, the employee must provide as much advance notice as reasonably possible to their department's HR Liaison by submitting sufficient documentation of the need to start the leave early. Such documentation may include a health care provider's certification of medical necessity for prenatal bed rest. Paid Parental Leave will begin as of the employee's confirmed date of delivery or initial placement, but unpaid FMLA may apply to leave beginning prior to delivery or placement.

- b. Gestational surrogates requesting paid leave must also submit a medical certification confirming the pregnancy, the employee's status as a gestational surrogate, and indicating the estimated date of delivery (to be confirmed by the employee upon delivery of the child or children) within sixty (60) calendar days of taking the leave.
- c. A birthing parent who has suffered a stillbirth delivery and is requesting paid leave must also submit one of the following within sixty (60) calendar days of taking the leave:
 - i. A medical certification confirming the employee was the birthing parent who suffered a stillbirth and the date of stillbirth; OR
 - ii. A copy of the stillbirth certificate
- d. A birthing parent who has suffered the loss of their child shortly after delivery and is requesting paid leave must also submit one of the following within sixty (60) calendar days of taking the leave:
 - i. A medical certification confirming that the employee was the birthing parent and the child's date of passing; OR
 - ii. A copy of the death certificate
- e. Parents requesting paid leave for their newborn child must also submit one of the following within sixty (60) calendar days of taking the leave:
 - i. A medical certification confirming the pregnancy and indicating the estimated date of delivery (to be confirmed by the employee upon delivery of the child or children); OR
 - ii. A copy of the birth certificate
- f. Employees requesting paid adoption leave must also submit one of the following within sixty (60) calendar days of taking the leave:
 - i. A certification from an adoption agency confirming that the employee has been matched by the agency with a child or children and the initial date of placement in the employee's home; OR
 - ii. A birth certificate confirming that the employee is the adoptive parent.
- g. Employees requesting paid foster leave must also submit a certification from a state or private foster agency confirming that the employee has been matched by the agency with a child or children and the initial date of placement in the employee's home within sixty (60) calendar days of taking the leave.

II. During Leave

- a. If an employee needs to request an extension of their leave of absence, the employee must complete an additional Request for Leave of Absence Form and provide a copy to their HR Liaison at least two (2) business days prior to the expiration of the originally requested leave.

- b. To the extent 2 business days' notice is not possible, the employee should submit the request as soon as possible. If applicable, the employee should also provide a statement from their health care provider stating the reason for and the projected length of the extension.

III. Return From Leave

- a. The first regularly scheduled workday after the expiration date of the requested leave is the scheduled return date for the employee. The employee must return to work on that date unless they have requested and been granted an extension of their leave. Failure to report to work on the schedule return date may cause the resignation of the employee to be effectuated.
- b. Should an employee wish to return to work prior to the expiration of the leave they must notify their department's HR section within at least two (2) business days prior to their intended early return date.
 - i. For routine recovery from delivery, the employee does not need to provide a return-to-work certification unless they have restrictions or if complications arise that keep the employee from returning to work at the expiration of their leave.
 - ii. If restrictions are present, the employee must notify their HR Liaison and provide completed Reasonable Accommodation forms to either their department's Disability Liaison or the City's Disability Office (phone: (312) 744-4969 | email: disabilityaccommodations@cityofchicago.org).
- c. If complications are present that keep the employee from returning to work, the employee must provide a new Request for Leave of Absence Form and medical certification to their HR Liaison at least two (2) business days prior to the expiration of the originally requested leave. To the extent 2 business days' notice is not possible, the employee should submit the request as soon as possible. The medical certification should state the reason for and the projected length of the extension due to medical necessity.

IV. Parental Leave Policy and Cause of Action

The City of Chicago does not intend to create any explicit or implicit legal obligation through the adoption of this policy. By adopting this policy, the City of Chicago does not hereby create any additional, judicially cognizable rights, including for example, different levels of insurance coverage or additional rights to leave under the Family and Medical Leave Act or any other federal, state, or municipal law, statute, regulation, policy, or ordinance.

Forms

The Department of Human Resources shall maintain the following forms on its intranet website:

1. *Application for Family & Medical Leave (FMLA) Or Leave of Absence*
2. *Request for a Leave of Absence (PER-73-A) form*
3. *Certification of Health Care Provider for Pregnancy, Maternity, Related Conditions, and Paid Parental*
4. *Certification of Health Care Provider for Newborn Paid Parental*
5. *Return to Work Authorization form*
6. *Family Bereavement Leave Act (10(a)(4)) form*