

ADMINISTRATOR'S CHEAT SHEET: PAID PARENTAL LEAVE

This resource is designed to help administrators understand the specific (and often confusing) pay protections provided by the California Education Code, which are more generous than standard federal FMLA rules.

As a Dean or Director, you may be familiar with the "1,250-hour rule" to qualify for standard medical leaves. However, Parental Leave (Birth, Adoption, or Foster Placement) follows a different set of California-specific rules that prioritize pay for District employees.

1. The "12-Month" Rule vs. The "1,250-Hour" Rule

- **Standard FMLA/CFRA:** Requires 12 months of service AND 1,250 hours worked in the last year to be eligible for unpaid job protection.
- **Ed Code Parental Leave:** Requires ONLY 12 months of service. There is no hourly requirement.
 - Why this matters: A part-time adjunct faculty member or a part-time classified staffer who has been with SWCCD for over a year is entitled to paid parental leave even if they only work a few hours a week.

2. The Pay "Stack" (How They Get Paid)

When an eligible employee takes parental leave, their pay moves through two mandatory phases:

- **Phase 1: Full-Pay Sick Leave**
 - The employee must use all their accrued sick leave first. They receive 100% of their regular salary during this time.
- **Phase 2: The 50% Differential "Safety Net"**
 - Once their sick leave is exhausted, the Education Code/collective bargaining agreement language kicks in. For the remainder of the 12-workweek period, the employee must receive at least 50% of their regular salary.
 - *Note:* Even if a substitute is not hired or costs less than 50% of the employee's salary, the employee is legally guaranteed that 50% minimum.

3. Key Constraints for Managers

- **One Period Per Year:** This 12-week paid entitlement is available once per 12-month period.
- **The 12-Month Deadline:** The leave must be completed within one year of the birth or placement of the child.

- **No "Double Dipping":** This paid period runs concurrently with any CFRA bonding leave. It does not "add" 12 weeks to the total time off; it simply ensures those 12 weeks are partially paid.

4. Summary Table for Quick Reference

Factor	Standard Medical Leave	Parental Leave (Ed Code)
Service Requirement	12 Months + 1,250 Hours	12 Months ONLY
Pay Status	Accrued Sick Leave Only	Sick Leave + 50% Differential
Duration	Up to 12 Weeks	Up to 12 Weeks
Substitute Cost	May impact pay (Faculty)	Cannot drop pay below 50%

Action Items for Administrators

1. If an employee asks for parental leave and has been here a year, refer them to HR immediately—do not tell them they "haven't worked enough hours."
2. Because this leave is often foreseeable, work with HR to secure long-term substitutes early.
3. If an employee shares medical details or birth complications, keep that information private and document only the leave dates.

[CSEA Article 12](#)

[SCCDAA Article 10](#)

[SCEA Article 5](#)