Human Resources
UNIVERSITY OF SOUTH CAROLINA

Paid Parental Leave FAQ's

- **If an employee gives birth, adopts a child or becomes a foster parent before their hire date are they eligible for PPL?**
  - No. To be eligible for PPL, the employee must meet all eligibility requirements at the time of the qualifying event (birth, stillbirth, adoption or foster care placement).

- **Does an employee have to work for a period of time before being eligible to take PPL?**
  - No. There is no service requirement to take PPL.

- **If an employee leaves state government while using PPL, but before exhausting the PPL available, and then returns to a position eligible for PPL without experiencing a break in service, can they use the balance of PPL available?**
  - Yes. So long as the employee does not experience a break in service, they may continue PPL, but the period of PPL must be taken consecutively. Therefore, the employee will have to take PPL immediately upon return to the position eligible for PPL. If the employee does experience a break in service, they forfeit any PPL remaining upon the time of the separation.

- **If an employee has exhausted their FMLA leave, are they eligible for PPL?**
  - Yes. PPL will run concurrently with FMLA leave; however, if FMLA leave has been exhausted the employee is still eligible for PPL if all other criteria are met.

- **Is an adoptive or foster parent able to use PPL before the initial legal placement for adoption or foster care placement for reasons related to the adoption or foster placement such as traveling to a foreign country to meet the child before the actual adoption?**
  - No. PPL is not available until the qualifying event occurs. The employee may, however, be eligible for FMLA leave and/or other forms of accrued leave.

- **Is PPL available for surrogacy?**
  - Although surrogacy is not expressly addressed in Sections 8-11-150 and 8-11-155, the South Carolina Department of Administration's Division of Human Resources (DSHR) has determined, under its authority to issue regulations, guidance and procedures, that the birth of a child through surrogacy to an eligible state employee will be treated as a qualifying event. For assistance processing PPL in SCEIS for this qualifying event, please contact your DSHR consultant.

- **Is PPL available for the birth of a non-biological child conceived through in vitro fertilization (IVF)?**
  - Although IVF is not expressly addressed in Sections 8-11-150 and 8-11-155, DSHR has determined, under its authority to issue regulations, guidance and procedures, the birth of a non-biological child conceived through IVF to an eligible state employee will be treated as a qualifying event.

- **Does PPL have to be taken immediately following the birth, adoption or foster care placement?**
  - No. PPL may be taken at any point in the 12 months following the qualifying event. However, if the employee is taking FMLA leave they would have to use PPL before taking leave without pay for the time on FMLA leave.

- **If an employee has sick leave and annual leave and is eligible for FMLA, in what order should leave be taken?**
    - Sick leave and PPL run concurrently with FMLA leave, but the employee may decide which leave to use first when both are otherwise available. However, sick leave may be used by the employee only for the period they are medically unable to work. The employee may use family sick leave (up to 10 days) for periods that meet the requirements to use family sick leave . An agency may require available PPL to be used before annual leave when the leave is taken pursuant to FMLA. Once PPL begins, the employee must continue with PPL until this leave is exhausted or the need for leave ends. If the employee exhausts sick leave and PPL and has remaining FMLA leave available, they may use annual leave, other available leave or leave without pay.

- **If an employee is on paid military leave and gives birth, experiences stillbirth, adopts or fosters a child are they eligible for PPL?**
    - If the employee is on paid short term military training leave, they are eligible. However, if the employee is on a long-term military leave of absence, the employee would not be eligible for PPL.

- **If leave for the birth or stillbirth of a biological newborn child and adoption must be taken consecutively, does that mean the employee must take full days consecutively? Or can the employee take a few hours over consecutive days until they use up their allotment?**
    - The employee must take all time consecutively. The employee could take a partial day at the start of the leave period but after that, they would have to take full days until their leave is exhausted. Depending on the shift worked by the employee, the PPL may be exhausted in the middle of a workday resulting in a partial day of PPL. Employees may use a different type of leave (sick, annual, leave without pay) or may work for the partial workday following the exhaustion of the PPL.

- **If an employee is on leave without pay and experiences a qualifying event, are they eligible for PPL?**
    - Yes, as long as the employee would otherwise be eligible to use other paid leave types if available (sick leave, annual leave, etc.). However, if an employee is suspended pending

- **Can an employee receive PPL while also continuing to work in their position if they are primarily responsible for furnishing the care and nurture of their child when not at work? For example, if an employee works third shift and is primarily responsible for furnishing the care and nurture of their child during the day, can the employee receive PPL?**
    - No.

- **If an employee gives birth, experiences stillbirth, adopts a child or has a foster child placed before Oct. 1, 2026, is the employee eligible for PPL within 12 months of Oct. 1, 2026?**
    - PPL as described in these guidelines complies with amendments made to Sections 8-11-150 and 8-11-155 of the South Carolina Code of Laws which are effective Oct. 1, 2026. Therefore, PPL taken in accordance with these guidelines, is only available if the qualifying event occurs on or after Oct. 1, 2026. For qualifying events which occurred before this date, please refer to the version of the Paid Parental Leave Toolkit applicable to qualifying events which occurred between Oct. 1, 2022, and Sept. 30, 2026.

- **If the mother is admitted to the hospital on one day but the birth does not occur until the following day, can PPL be used by either parent for the day before the birth?**
    - No. PPL can only be used on or after the date the qualifying event occurs. The parents may, however, be permitted to use other types of leave.

- **If the employee begins parental leave but leaves state employment before their leave is exhausted and then becomes reemployed with state government within 12 months of the qualifying event, can they take the remaining PPL beginning the date they return to employment?**
    - No. PPL must be taken consecutively and is forfeited when the employee experiences a break in service.

- **If both parents work for state government, are both eligible for PPL?**
    - Yes. PPL for both employees may be taken concurrently, consecutively or at a different time, subject to all other requirements. However, the number of weeks available to each employee may be different.

- **Can an employer deny an employee's request to take PPL at a certain time?**
    - In general, the same considerations applied to requests for FMLA time off for bonding should be applied to requests for PPL. Therefore, requests for periods of leave should, generally, be granted for the time requested by the employee so long as the requested time is within 12 months of the qualifying event.

- **Are employees required to use PPL for legal holidays which occur during their period of leave?**
    - No. Legal holidays are not counted against PPL.

- **If an employee works an alternate work schedule how is PPL calculated?**
    - PPL is calculated based on the employee's average workday as defined in State Human Resources Regulations (see definition below).

    - Workday (Average): the number of hours upon which leave and holidays are based. To determine the number of hours in an average workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee reports to work).

    - Therefore, an employee who works an alternate work schedule will be eligible for the number of hours equal to the average workday multiplied by five days, multiplied by four or six weeks, regardless of the employee's actual work schedule. For example, an employee whose average workday is eight hours but works an alternate work schedule of 10 hours for four days and is off one day a week will be eligible to use 160 hours (four weeks) or 240 hours (six weeks) of PPL. The employee would enter 10 hours of PPL for four days and no leave for the fifth day each week.

- **If an employee's average workday is eight hours at Agency A and they give birth to a child, use three weeks of PPL and then transfer to Agency B to a position with an average workday of 7.5 hours, how much PPL will be available after they transfer to Agency B?**
    - The employee will initially be entitled to 240 hours of PPL and will use 120 hours while employed at Agency A. Upon transfer to Agency B the employee will have 112.5 hours of PPL available (3 weeks × 5 days × 7.5 hours) but must take PPL beginning their first day at Agency B. Because leave for the birth of a biological newborn child must be taken consecutively, the employee cannot begin work at Agency B and then, at some later date, take PPL.

- **If an employee's average workday is eight hours at Agency A and they give birth to a child, use three weeks of PPL and then transfer to Agency B to a position with an average workday of 7.5 hours, how much PPL will be available after they transfer to Agency B?**
    - The employee will initially be entitled to 240 hours of PPL and will use 120 hours while employed at Agency A. Upon transfer to Agency B the employee will have 112.5 hours of PPL available (3 weeks × 5 days × 7.5 hours) but must take PPL beginning their first day at Agency B. Because leave for the birth of a biological newborn child must be taken consecutively, the employee cannot begin work at Agency B and then, at some later date, take PPL.

- **If an employee's average workday is 7.5 hours at Agency A and they give birth to a child, use three weeks of PPL and then transfer to Agency B to a position with an average workday of eight hours, how much PPL will be available after they transfer to Agency B?**

    - The employee will initially be entitled to 225 hours of PPL and will use 112.5 hours while employed at Agency A. Upon transfer to Agency B the employee will have 120 hours of PPL available (3 weeks × 5 days × 8 hours) but must take PPL beginning their first day at Agency B. Because leave for the birth of a biological newborn child must be taken consecutively, the employee cannot begin work at Agency B and then, at some later date, take PPL.

- **If an employee's average workday is eight hours at Agency A and they begin fostering a child, use one week of PPL and then transfer to Agency B to a position with an average workday of 7.5 hours, how much PPL will be available after they transfer to Agency B?**
    - The employee will initially be entitled to 160 hours of PPL and will use 40 hours while employed at Agency A. Upon transfer to Agency B the employee will have 112.5 hours of PPL available (3 weeks × 5 days × 7.5 hours) and may take the remaining three weeks of PPL while employed at Agency B.

- **If an employee's average workday is 7.5 hours at Agency A and they begin fostering a child, use one week of PPL and then transfer to Agency B to a position with an average workday of eight hours, how much PPL will be available after they transfer to Agency B?**
    - The employee will initially be entitled to 160 hours of PPL and will use 37.5 hours while employed at Agency A. Upon transfer to Agency B the employee will have 112.5 hours of PPL available (3 weeks × 5 days × 7.5 hours) and may take the remaining three weeks of PPL while employed at Agency B.

- **If a faculty member receives payment from a source other than the state institution would the payment for their leave include this compensation? What about any bonuses or other pay types?**
    - During the period of PPL, the employee is paid their rate of pay.

- **Are nine-month faculty employees eligible for PPL if they experience a qualifying event during the period of the year they are not working?**
    - Yes, so long as the employee meets all other eligibility requirements. They may not begin PPL, however, until they are scheduled to work. They may not use PPL for time they would otherwise not be working.

FMLA/Paid Parental Leave FAQs

- **Employee's spouse gives birth May 30, 2026, but there are complications from the birth. The employee is eligible for FMLA. How is the leave applied?**
  - The employee may take four weeks of PPL which will run concurrent with FMLA leave for the baby's birth. The co-parent may also be entitled to take family sick leave to care for their spouse if needed. In addition, the spouse's serious health condition may qualify the employee for FMLA separate from the birth event. In this case, the employee is still limited to 12 weeks total of FMLA leave.

- **Employee exhausts FMLA before using all their PPL. What leave options do they have available?**
  - The employee can still use PPL. PPL must run concurrently with FMLA leave, if FMLA leave is available. However, the employee may take PPL if the employee exhausted their FMLA leave before the PPL qualifying event or exhausted their FMLA leave during the period of PPL.

- **Agency advances an employee who is ineligible for FMLA leave 10 days of their own sick leave before the employee gives birth. The employee returns to work and begins paying back the advanced sick leave shortly before giving birth. The employee gives birth before paying back all the advanced leave. How is the employee's leave impacted?**
  - The use of advanced sick leave has no impact on the use of PPL. The employee will accrue sick leave while on PPL and this time should be used to "pay back" the advanced leave.

- **An employee gives birth Jan. 5, 2027, and qualifies for FMLA leave. The employee has 15 days of sick leave and 10 days of annual leave. The employee's doctor releases them to work six weeks following the birth. Below are two scenarios demonstrating how this employee may choose to use their leave.**

Scenario 1

Type of Leave	Period
▪ Sick Leave/FMLA	▪ Jan. 5-27, 2027
▪ Paid Parental Leave/FMLA	▪ Jan. 28-March 11, 2027
▪ Annual Leave/FMLA	▪ March 11-24, 2027
▪ LWOP/FMLA	▪ March 25- 26, 2027

Scenario 2

Type of Leave	Period
▪ Paid Parental Leave/FMLA	▪ Jan. 5-Feb. 18, 2027
▪ Annual Leave/FMLA	▪ Feb. 18-March 4, 2027
▪ LWOP/FMLA	▪ March 5-26, 2027
Note: This employee could not use their sick leave after Feb. 18, 2027, because at that point they had been medically released to work. They could, however, continue FMLA, which allows 12 weeks of leave following the birth of the child.	

Note: Legal holidays should not be included in the application of PPL. In the above example, legal holidays are Jan. 1 and 18, as well as Feb. 15.

EXAMPLE SCENARIOS

- **Employee adopts a child in another country. Employee takes leave from work beginning Sept. 17, 2026, to begin the adoption process and prepare for the placement. The initial legal placement occurs Oct. 3, 2026. Is the employee eligible for PPL?**
  - Yes, but PPL does not start until Oct. 3, 2026, and may not be retroactively applied to any period before Oct. 3, 2026.

- **Employee is a co-parent to a child born Sept. 10, 2026. Is the employee eligible for four weeks of paid parental leave based on the birth of the child?**
  - No. Because the birth occurred before Oct. 1, 2026. The paid parental leave available to this employee is governed by the statue as it existed prior to the amendments. Therefore, assuming all other criteria are met, the employee would be eligible for two weeks of paid parental leave. Please refer to version of the Paid Parental Leave Toolkit applicable to qualifying events which occurred between Oct. 1, 2022, and Sept. 30, 2026.

- **The initial legal placement of a child for adoption occurs Oct. 5, 2026, and the same employee gives birth to a biological newborn child Oct. 30, 2026. Both the employee and spouse work for state agencies. What leaves are they eligible for?**
  - Both employees are eligible for PPL (provided they meet all eligibility criteria), but they will need to pick which event to use for the leave. They do not have to select the same event for PPL. For example, the mother could take six weeks of PPL for the birth, and the father could take six weeks of leave for the adoption if the father certifies that he is the person primarily responsible for furnishing the care and nurture of their child.
  - If the parents choose to use PPL for the same event (adoption or birth), only one parent would be eligible for six weeks of leave and the other would be eligible for four weeks of leave. For example, if the mother uses PPL for the birth event, the mother is eligible for six weeks of PPL and the father may take four weeks of PPL for the birth and the leave cannot begin before Oct. 30, 2026.

- **Employee adopts a child Oct. 26, 2026, and then gives birth May 15, 2027. Both parents work for the state. How might they use PPL?**
  - The parents may choose to use the PPL for the same or different events. In addition, both parents would be able to use PPL for both qualifying events provided the period of PPL for the second qualifying event begins at least 12 months from the end of the period of PPL for the first qualifying event.
  - Example: Employee adopts a child Oct. 26, 2026, and immediately takes four weeks of PPL returning to work Nov. 21, 2026. The employee then gives birth to a child May 15, 2027. The employee can take six weeks of paid parental leave for the birth beginning Nov. 21, 2027 (12 months from the PPL taken for the adoption) but the leave must be taken prior to May 16, 2028 (12 months from the birth).

Date	Event
Oct. 26, 2026	▪ Employee adopts child. ▪ Begins four weeks of PPL for adoption.
Nov. 21, 2026	▪ PPL ends for adoption
May 17, 2027	▪ Employee gives birth to child. ▪ Employee cannot start PPL for birth immediately because the last day of previously taken PPL is less than 12 months prior.
Nov. 21, 2027	▪ 12 months from end of PPL taken for adoption. ▪ First day employee can begin PPL for birth.
May 16, 2028	▪ 12 months from date of birth (May 15, 2023). ▪ End of the period in which employee can take PPL for the birth.

- **An employee has multiple foster care placements in a single 12-month period. Can PPL be used for each foster placement?**
  - An eligible state employee shall receive no more than one occurrence of six or four weeks of PPL for any 12-month period, even if more than one qualifying event occurs. However, the employee may be able to use PPL for two qualifying events which occur in the same 12-month period provided the period of PPL for the second qualifying event begins at least 12 months from the end of the period of PPL for the first qualifying event.

- **Employee works 12.5-hour day shift and adopts a child. The co-parent cares for the child during the early day hours (eight hours) when the employee normally works. The employee wants to continue working during the early day hours and take 4.5 hours of PPL in the afternoons.**
  - This would not be permitted. PPL must be taken consecutively so the employee would not be permitted to take partial days.