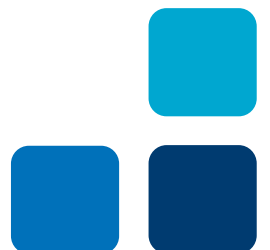


Paid Parental Leave Guidelines

For Qualifying Events Which Occur on or After Oct. 1, 2026



Caution: These guidelines provide guidance concerning the administration of paid parental leave in accordance with amendments to Sections 8-11-150 and 8-11-155 of the South Carolina Code of Laws which are effective 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.

Note: Section 8-11-155 of the South Carolina Code of Laws provides paid parental leave to eligible full-time equivalent (FTE) employees of South Carolina state agencies, departments, institutions of higher education and boards and commissions. Section 8-11-155 of the South Carolina Code of Laws does not provide paid parental leave to employees who work for private employers.

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INTRODUCTION

On June 30, 2026, Governor Henry McMaster signed law S. 11, Act. No. 249 of 2026, which amended Sections 8-11-150 and 8-11-155 of the South Carolina Code of Laws to provide six weeks or four weeks of paid parental leave (PPL) to eligible employees.

These guidelines are designed to assist agencies in the implementation and administration of PPL. It includes general information about PPL, a model PPL policy, a PPL request form and form letters that can be used to respond to a request for PPL. In addition, various scenarios are provided to demonstrate how PPL may be used in various situations, including how PPL interacts with other types of leave and the Family and Medical Leave Act (FMLA).

In addition to these guidelines, please also review Sections 8-11-150 and 8-11-155 of the Code of Laws and the Paid Parental Leave section of the State Human Resources Regulations. In all cases where there is a discrepancy between the guidance provided in these guidelines and the law or regulations, the law and regulations will govern. In addition, agencies should consult legal counsel concerning the administration of paid parental leave.

Caution: These guidelines provide guidance concerning the administration of paid parental leave in accordance with amendments to Sections 8-11-150 and 8-11-155 of the South Carolina Code of Laws which are effective 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.

For additional information, please contact the SC Department of Administration's (Admin) Division of State Human Resources (803.896.5300).

DEFINITIONS

Child: a newborn biological child or foster of a child in state custody and under the age of 18 or a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.

Eligible State Employee:

- ▶ Non-higher Education Employees: Any employee (1) occupying any portion of a full-time equivalent (FTE) position and (2) any employee occupying a temporary grant or time-limited project position eligible to earn annual leave.
- ▶ Four-year or Postgraduate Institutions of Higher Education or Technical College Employees: Any employee occupying any portion of a FTE position, a temporary grant position or time-limited project position. This includes research grant employees.

Paid Parental Leave (PPL): six weeks of paid leave at 100% of the eligible state employee's rate of pay or four weeks of paid leave at 100% of the eligible state employee's rate of pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the number of hours they are normally scheduled to work.

Parent/Co-Parent: the person listed as a legal parent in the applicable required documentation (birth certificate, adoption order, etc.) or the foster parent of a child.

Qualifying Event: the birth of a newborn biological child to an eligible state employee, or after a co-parent's birth of a newborn child, fostering a child in state custody, the initial legal placement of a child by adoption or stillbirth. Stillbirths are considered births for the purposes of PPL. A "Certificate of Birth Resulting in Stillbirth" issued in accordance with Section 44-63-55 of the South Carolina Code of Laws should be provided as documentation of this qualifying event. To qualify for PPL under the provisions described in this version of the guidelines, the qualifying event must occur on or after Oct. 1, 2026.

ELIGIBILITY

The following employee groups are eligible for PPL:

- ▶ **Non-higher Education Employees:** Any employee (1) occupying any portion of a full-time equivalent (FTE) position or (2) any employee occupying a temporary grant or time-limited project position eligible to earn annual leave.
- ▶ **Four-year or Postgraduate Institutions of Higher Education or Technical College Employees:** Any employee occupying any portion of a FTE position, a temporary grant position or time-limited project position. This includes research grant employees.

There is no service requirement to be eligible for PPL. Employees who meet the requirements described above are immediately eligible for PPL. Eligibility determinations are made as of the date of the qualifying event.

To qualify for PPL under the provisions described in this version of the guidelines, the adoption, birth, stillbirth or foster care placement must occur on or after Oct. 1, 2026.

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. Regardless of the qualifying event (adoption, birth, stillbirth or foster care placement), the entitlement to PPL expires at the end of the 12-month period beginning on the date of the qualifying event. If the leave is not used by the eligible state employee before the end of the 12-month period following the birth, stillbirth, adoption or foster placement, the leave cannot be carried forward for subsequent use. Any leave remaining at the end of the 12-month period following the qualifying event or at separation of employment is forfeited and the employee is not paid out for the leave. PPL may not be donated.

LEAVE AMOUNT

The amount of leave available depends on the qualifying event (adoption, birth, stillbirth or foster care placement) and the relationship of the state employee to the child. Eligible employees are eligible for PPL as described below:

- ▶ **Adoption:**

- ▶ Eligible employees who are primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption and under the age of 18, are entitled to six weeks of PPL.
- ▶ Eligible employees who are not primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18 are entitled to four weeks of PPL.
- ▶ Only one eligible state employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.
- ▶ Birth and Stillbirth:
 - ▶ Eligible employees who give birth to a biological newborn child or experience stillbirth are entitled to six weeks of PPL.
 - ▶ Eligible employees whose co-parent gives birth to a biological newborn child or experience stillbirth are entitled to receive four weeks of PPL.
- ▶ Foster Care:
 - ▶ Eligible employees who foster a child under the age of 18 in state custody are entitled to receive four weeks of PPL.

PAID PARENTAL LEAVE USAGE

Employees do not have to exhaust all other forms of leave, such as sick or annual leave, before being eligible to take PPL.

If both parents are eligible state employees, PPL may be taken concurrently, consecutively or at a different time than the other eligible state employee. No child may have more than two parents eligible for PPL.

PPL shall not be used before the qualifying event. If an employee requires leave before the birth, adoption or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized per the agency's leave policy.

- ▶ Adoption, Birth and Stillbirth:
 - ▶ An eligible employee's PPL taken for an adoption, birth or stillbirth must be taken consecutively. Therefore, once leave commences, the employee must continue leave until the leave is exhausted or they choose to return to work. Any leave remaining when the employee returns to work is forfeited.
- ▶ Foster Care:
 - ▶ An eligible employee's PPL for foster care placement may be taken consecutively or upon request and approval in four, one-week, increments. The employee is not permitted to take leave in increments smaller than one week.

An eligible state employee shall receive no more than one occurrence of six or four weeks of PPL for any twelve-month period, even if more than one qualifying event occurs. An eligible state employee may, however, be able to use PPL for two qualifying events that occur within the same 12-month period so long as the start date of the second period of PPL is at least 12 months from the end date of the first period of PPL.

PAID PARENTAL LEAVE AND FMLA LEAVE

PPL must run concurrently with Family and Medical Leave Act (FMLA) leave and any other unpaid leave to which the eligible state employee may be entitled because of the qualifying event. If the employee's leave is taken pursuant to FMLA, the agency may require available PPL to be used before annual leave.

However, an eligible state employee shall be eligible for PPL even if the employee has exhausted their FMLA leave, or is not eligible for FMLA coverage, at the time of the qualifying event.

If an employee becomes eligible for FMLA while on PPL, the employee must use FMLA leave when their eligibility begins, and the PPL runs concurrently with FMLA leave.

PAYMENT WHILE USING PAID PARENTAL LEAVE AND ACCRUAL OF OTHER LEAVE TYPES

The hours of PPL are calculated based on the employee's average workday. PPL for part-time employees occupying part of a position is calculated in the same way other types of leave (sick leave, annual leave, etc.) are calculated.

PPL is paid at 100% of the eligible state employee's rate of pay.

Eligible state employees shall accrue annual and sick leave at the normal rate and receive holiday pay while on PPL, if applicable.

REQUESTING PAID PARENTAL LEAVE

Employees shall be required to certify that they will use PPL following the birth of a biological newborn child or to provide care to a child by completing and signing a form requesting PPL and identifying the leave to which they are entitled.

Requests to use PPL should be submitted at least 30 days before the date PPL will start. If 30 days' notice is not possible, an employee is required to provide notice as soon as practicable.

An employee may withdraw their request for PPL at any time before the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the request should be submitted in writing.

Upon receiving a request for PPL and documentation of the birth or placement of a child, the agency must notify the employee of their eligibility status within five business days or as soon as is practical.

REQUIRED DOCUMENTATION

Employees must submit the requested required documentation to receive PPL within 30 days of the start of PPL or as soon as is practical after the documentation becomes available. Employees may be permitted to begin PPL following the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within 30 days of the start of PPL, or as soon

as is practical after the documentation becomes available, the employee will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on leave without pay for the period they were absent from work. Please note the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

The documentation required for PPL is provided in the table below. The employee is required to supply only one form of documentation and may choose which documentation to provide based on the applicable qualifying event.

Qualifying Event	Required Documentation (Employee Selects One)
Adoption	▶ Adoption order and/or agreement confirming the initial date of placement.
Birth	▶ Birth Certificate or Proof of Birth ▶ Certificate of Birth Resulting in Stillbirth ▶ Certified DNA Results ▶ Custody Order
Foster Placement	▶ Foster Care Placement Agreement ▶ Custody Order

All documents must include the date of the qualifying event and reflect that the employee is a parent of the child.

These documents should be treated as medical information and not included in the employee's personnel file.

SCEIS LEAVE TYPES

Leave Type	FMLA Workbench	Description	Leave Duration
Parent Lv/Birth-6/FMLA	BIRTH (Birth of a Child)	Leave for the Birth Parent – FMLA	6 weeks
Parent Lv/Birth-6	Not Applicable	Leave for the Birth Parent – no FMLA	6 weeks
Parent Lv/Birth-4/FMLA	BIRTH (Birth of a Child)	Leave for the “co-parent who does not give birth” to biological child – FMLA	4 weeks
Parent Lv/Birth-4	Not Applicable	Leave for the “co-parent who does not give birth” to biological child – no FMLA	4 weeks
Parent Lv/Adopt-6/FMLA	FOST (Foster Care/Adoption)	Leave for the “primarily responsible parent” of an adopted child – FMLA	6 weeks
Parent Lv/Adopt-6	Not Applicable	Leave for the “primarily responsible parent” of an adopted child – no FMLA	6 weeks
Parent Lv/Adopt-4/FMLA	FOST (Foster Care/Adoption)	Leave for the “non - primarily responsible parent” of an adopted child – FMLA	4 weeks
Parent Lv/Adopt-4	Not Applicable	Leave for the “non - primarily responsible parent” of an adopted child – no FMLA	4 weeks
Parent Lv/Fost-4/FMLA	FOST (Foster Care/Adoption)	Leave for Foster Care – both parents – FMLA	4 weeks (upon request and approval can be taken in one-week, non-consecutive increments)

Leave Type	FMLA Workbench	Description	Leave Duration
Parent Lv/Fost-4	Not Applicable	Leave for Foster Care – both parents – no FMLA	4 weeks (upon request and approval can be taken in one-week, non-consecutive increments)

FREQUENTLY ASKED QUESTIONS (FAQS)

1. 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).
2. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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

an investigation or for disciplinary reasons, they would not be able to substitute any type of paid leave, including PPL, for the time they are suspended.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.

19. Are employees required to use PPL for legal holidays which occur during their period of leave?

- ▶ No. Legal holidays are not counted against PPL.

20. 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.

21. 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 ($3 \text{ weeks} \times 5 \text{ days} \times 7.5 \text{ hours}$) 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.

22. 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 ($3 \text{ weeks} \times 5 \text{ days} \times 8 \text{ hours}$) 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.

23. 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.

24. 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.

25. 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.

26. 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/Parental Leave FAQs

27. 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.

28. 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.

29. 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.

30. 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

1. 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.
2. 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 statute 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.
3. 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.
4. 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.

5. 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.
6. 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.

SUPPORTING MATERIALS AND DOCUMENTS

Model Paid Parental Leave Policy

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

This policy governs the administration of Paid Parental Leave in accordance with amendments to Sections 8-11-150 and 8-11-155 of the South Carolina Code of Laws which are effective Oct. 1, 2026. For qualifying events which occurred prior to this date, please refer to previous Paid Parental Leave Policy.

Purpose

Section 8-11-150 (A) and Section 8-11-155 of the South Carolina Code of Laws provide six weeks or four weeks of paid parental leave upon the occurrence of a qualifying event.

The purpose of this policy is to guide the administration of paid parental leave (PPL).

Definitions

Child: A newborn biological child or foster of a child in state custody and under the age of 18 or a child initially legally placed for adoption and under the age of 18. No child can have more than two parents eligible for paid parental leave.

Eligible State Employee:

(AGENCY SELECT THE APPLICABLE DEFINITION)

- ▶ **Non-higher Education Agencies:** Any employee (1) occupying any portion of a full-time equivalent (FTE) position or (2) any employee occupying a temporary grant or time-limited project position eligible to earn annual leave is eligible for PPL.
- ▶ **Four-year or Postgraduate Institutions of Higher Education or Technical Colleges:** Any employee occupying any portion of a full-time equivalent (FTE) position, a temporary grant position or time-limited project position is eligible for PPL. This includes research grant employees.

Paid Parental Leave (PPL): Six weeks of paid leave at 100% of the eligible state employee's rate of pay or four weeks of paid leave at 100% of the eligible state employee's rate of pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the number of hours they are normally scheduled to work.

Parent/Co-Parent: The person listed as a legal parent in the applicable required documentation (birth certificate, adoption order, etc.) or the foster parent of a child.

Qualifying Event: The birth of a newborn biological child to an eligible state employee or after a co-parent's birth of a newborn child or fostering a child in state custody, the initial legal placement of a child by adoption or a stillbirth. Stillbirths are considered births for the purposes of PPL. A "Certificate of Birth Resulting in Stillbirth" issued in accordance with Section 44-63-55 of the South Carolina Code of Laws should be provided as documentation of this qualifying event. To qualify for PPL under the provisions described in this version of the guidelines, the qualifying event must occur on or after Oct. 1, 2026.

Eligibility

(Non-Higher Education Agencies include this following paragraph:)

Any employee who occupies any portion of a full-time equivalent (FTE), temporary grant or time-limited project position eligible to earn annual leave is eligible for PPL. Eligibility determinations are made as of the date of the qualifying event. If an employee does not meet all eligibility requirements as of the date of the birth, stillbirth, adoption or foster care they are not eligible for PPL even if they later meet the eligibility requirements.

(Four-year or Postgraduate Institutions of Higher Education or Technical College include the following paragraph:)

Any employee occupying any portion of a full-time equivalent (FTE), temporary grant position or time-limited project position. This includes research grant employees. Eligibility determinations are made as of the date of the qualifying event. If an employee does not meet all eligibility requirements as of the date of the birth, stillbirth, adoption or foster care they are not eligible for PPL even if they later meet the eligibility requirements.

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.

Regardless of the qualifying event (birth, stillbirth, adoption or foster placement), the entitlement to PPL expires at the end of the 12-month period beginning on the date of the qualifying event. If the leave is not used by the eligible state employee before the end of the 12-month period after the birth, stillbirth, adoption or foster placement, the leave does not accumulate for subsequent use.

Any leave remaining at the end of the 12-month period or at separation of employment is forfeited and the employee is not paid out for the leave. PPL may not be donated.

Leave Amount

The amount of PPL available depends on the qualifying event (birth, stillbirth, adoption or foster placement) and the relationship of the state employee to the child. Eligible employees receive PPL as described below:

► Adoption:

- ▶ Eligible employees who are primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18.
 - ▶ Eligible employees who are not primarily responsible for furnishing the care and nurture of their child initially placed for legal adoption under the age of 18.
 - ▶ Only one eligible state employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.
- ▶ Birth:
 - ▶ Eligible employees who give birth to a child or experience stillbirth are entitled to six weeks of PPL.
 - ▶ Eligible employees whose co-parent gives birth to a child or experience stillbirth are entitled to receive four weeks of PPL.
- ▶ Foster Care:
 - ▶ Eligible employees who foster a child under the age of 18 in state custody are entitled to receive four weeks of PPL.

Paid Parental Leave Usage

Employees do not have to exhaust all other forms of leave before being eligible to take PPL.

If both parents are eligible state employees, PPL may be taken concurrently, consecutively, or at a different time than the other eligible state employee. No child may have more than two parents eligible for PPL.

If an employee requires leave before the birth, stillbirth, adoption or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized per the agency's leave policy. PPL may not be used before the qualifying event.

Legal holidays are not counted against PPL.

PPL is paid at 100% of the eligible state employee's rate of pay.

- ▶ Adoption, Birth and Stillbirth:
 - ▶ Leave taken for an adoption, birth or stillbirth must be taken consecutively. Therefore, once leave commences, the employee must continue leave until the leave is exhausted or they choose to return to work. Any leave remaining when the employee returns to work is forfeited.
- ▶ Foster Care:
 - ▶ Leave for foster care placement may be taken consecutively or upon request and approval in four, one-week, increments. The employee is not permitted to take leave in increments smaller than one week.

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. An eligible state employee may, however, be able to use PPL for two qualifying events that occur within the same 12-month period so

long as the start date of the second period of PPL is at least 12 months from the end date of the first period of PPL.

Paid Parental Leave and FMLA Leave

PPL must run concurrently with leave taken pursuant to the Family Medical and Leave Act (FMLA) and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event. If the employee's leave is taken pursuant to FMLA, the agency may require available PPL to be used before annual leave.

However, an eligible state employee shall be eligible for PPL even if the employee has exhausted their FMLA leave, or is not eligible for FMLA coverage, at the time of the qualifying event.

If an employee becomes eligible for FMLA leave while on PPL, the employee must use FMLA leave, and the PPL runs concurrently with FMLA leave.

Payment While Using Paid Parental Leave and Accrual of Other Leave Types

The hours of PPL are calculated based on the employee's average workday.

Eligible state employees shall accrue annual and sick leave at the normal rate and receive holiday pay while on PPL, if applicable.

Requesting Paid Parental Leave

Employees must complete and sign the PPL Request Form.

Request to use PPL should be submitted at least 30 days before the start of PPL. If 30 days' notice is not possible, an employee is required to provide notice as soon as practicable.

An employee may withdraw their request for PPL at any time before the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the request must be submitted in writing.

Upon receiving a request for PPL and documentation following the birth or placement of a child, the agency will notify the employee of their eligibility status within five business days or as soon as is practical.

Required Documentation

The documentation required for PPL is provided in the table below. The employee is required to supply only one form of documentation and may choose which documentation to provide based on the applicable qualifying event.

Qualifying Event	Required Documentation (Employee Selects One)
Adoption	▶ Adoption order and/or agreement confirming the initial date of placement.
Birth	▶ Birth Certificate or Proof of Birth ▶ Certificate of Birth Resulting in Stillbirth

	▶ Certified DNA Results ▶ Custody Order
Foster Placement	▶ Foster Care Placement Agreement ▶ Custody Order

Employees must submit the requested required documentation to receive PPL within 30 days of the start of PPL or as soon as is practical after the documentation becomes available. Employees may be permitted to begin PPL following the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within 30 days of the start of PPL, or as soon as is practical after the documentation becomes available, the employee will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on leave without pay for the period they were absent from work. Please note the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

All documents must include the date of the qualifying event and reflect that the employee is a parent of the child.

Sample Paid Parental Leave Request Form

Employee Name:	
Work Phone Number:	
Work Email Address:	
SCEIS Number:	
Manager's Name:	
Date of Request:	
Date of Qualifying Event:	
Parental Leave Start Date:	

Reason Parental Leave Requested (Check One):

- ☐ Primarily responsible for furnishing the care and nurture of a child initially legally placed with me for adoption. (Six weeks of consecutive parental leave.) *Only one eligible state employee may be designated the parent primarily responsible for furnishing the care and nurture of their child.*
- ☐ Not primarily responsible for furnishing the care and nurture of a child initially legally placed with me for adoption. (Four weeks of consecutive parental leave.)

- ☐ Birth or Stillbirth. (Six consecutive weeks of parental leave.)
- ☐ Co-parent of a biological child. (Four weeks of consecutive parental leave.)

- ☐ Fostering a child in state custody. Choose option one or two. (Four weeks of parental leave.)
 - ☐ Option One: I will take the four weeks of paid parental leave at one time.
 - ☐ Option Two: I will take paid parental leave in four, one week, non-consecutive, increments.

Required Documentation:

Qualifying Event	Required Documentation (Employee Selects One)
Adoption	▶ Adoption order and/or agreement confirming the initial date of placement.
Birth	▶ Birth Certificate or Proof of Birth ▶ Certificate of Birth Resulting in Stillbirth ▶ Certified DNA Results ▶ Custody Order
Foster Placement	▶ Foster Care Placement Agreement ▶ Custody Order

Check one:

- ☐ I have not used any paid parental leave in the 12 months preceding this request or for the qualifying event indicated on this request form.
- ☐ I have used paid parental leave in the 12 months preceding this request or for the qualifying event indicated on this request form. (If yes, please provide the information below.)
 - ☐ Date leave commenced _____.
 - ☐ Date leave ended (if applicable) _____.
 - ☐ Agency/Institution where parental leave was used _____.

I certify that the information provided in this form is accurate and I understand that any falsification of information may lead to disciplinary action up to and including termination.

Employee Signature: _____

Date: _____

Human Resources Use Only:

- ☐ Parental Leave Approved
- ☐ Parental Leave Denied Reason: _____

Checklist:

- ☐ Required documentation reviewed: _____
- ☐ Is employee eligible for FMLA leave? _____

- ☐ If employee is not FMLA eligible at the time of the event, date employee will become eligible: _____
- ☐ Update FMLA Workbench (if applicable).
- ☐ (SCEIS) Activate appropriate leave type flag on IT2012 (Choose One)
 - ☐ Parent Lv/Birth-6/FMLA
 - ☐ Parent Lv/Birth-6
 - ☐ Parent Lv/Birth-4/FMLA
 - ☐ Parent Lv/Birth-4
 - ☐ Parent Lv/Adopt-6/FMLA
 - ☐ Parent Lv/Adopt-6
 - ☐ Parent Lv/Adopt-4/FMLA
 - ☐ Parent Lv/Adopt-4
 - ☐ Parent Lv/Fost-4/FMLA
 - ☐ Parent Lv/Fost-4
- ☐ Determine dates of leave eligibility based on event.
 Start Date: _____
 End Date: _____
- ☐ Verify paid parental leave not taken in the previous 12 months.

Important Reminders:

- This form should only be used if the qualifying event occurred on or after Oct. 1, 2026. PPL for qualifying events which occurred before this date should be evaluated using the appropriate form.
- PPL for birth and adoption must be taken consecutively and in one continuous block of time.
- PPL for foster care placement may be taken in four consecutive weeks or upon request and approval in four, one-week increments.
- PPL must run concurrent with FMLA, if available.
- Employees are eligible for PPL on their first date of hire.
- Employees are not required to use other leave before using PPL but may do so if they choose.
- PPL must be taken within 12 months of the qualifying event. Any leave available to the employee after 12 months is forfeited.
- PPL is paid at 100% of the eligible state employee's rate of pay.
- This form does not replace the agency's obligation to provide timely written notifications to the employee required under the Family and Medical Leave Act (FMLA), the Pregnancy Discrimination Act (PDA), or the Americans with Disabilities Act (ADA). Refer to the Acts and the agency's policies and procedures for more information.
- Information related to PPL should be placed in the employee's medical file and not their personnel file.

Sample Paid Parental Leave Request Approval – Birth or Adoption

Dear Employee:

This letter is in response to your request to use paid parental leave for the [birth of your child/placement of an adoptive child].

Your request has been reviewed, and you are eligible for [six/four] weeks of paid parental leave. This leave must be taken consecutively and is available for 12 months following the [birth of your child/placement of an adoptive child].

Per your request, your paid parental leave will begin on XX/XX/XXXX and will end on XX/XX/XXXX. This leave will run concurrently with your available Family Medical Leave Act (FMLA) Leave. *(Include this sentence only if the employee will be using FMLA leave.)*

Your paid parental leave should be entered through SCEIS Central using the following leave type: [Parent Lv/XXXXX-X].

Sincerely,

Human Resources Department

cc: Employee Medical File

Sample Paid Parental Leave Request Approval – Foster Care

Dear Employee:

This letter is in response to your request to use paid parental leave for the placement of a foster child.

Your request has been reviewed, and you are eligible for four weeks of paid parental leave. You may take this leave in one, four-week increment or in four, one-week increments. This leave is available for 12 months following the foster care placement.

Per your request, your paid parental leave will begin on XX/XX/XXXX and will end on XX/XX/XXXX. This leave will run concurrently with your available Family Medical Leave Act (FMLA) Leave. *(Include this sentence only if the employee will be using FMLA leave.)*

Your paid parental leave should be entered through SCEIS Central using the following leave type: [Parent Lv/Fost-2/XXXX].

Sincerely,

Human Resources Department

cc: Personnel File

Sample Paid Parental Leave Request Denial

Dear Employee:

This letter is in response to your request to use paid parental leave.

Your request has been reviewed it has been determined that you are ineligible for paid parental leave because (check one):

- ☐ You were not in a qualifying position at the time of the birth, adoption or foster care placement.
- ☐ The birth, initial legal placement for adoption or foster care placement occurred more than 12 months before the date of the request.
- ☐ You have exhausted your paid parental leave benefit.
- ☐ You have not experienced a qualifying event.
- ☐ You do not meet the qualifying definition of “parent” or “co-parent.”
- ☐ Other: _____

Please review the enclosed paid parental leave policy for additional information.

Sincerely,

Human Resources Department

Enclosure (Paid Parental Leave Policy)

cc: Personnel File