PARENTAL LEAVE

Parental leave is not a separate allocation of leave. Time off for parental leave will be covered by a combination of Sick Leave, Annual Leave, and/or Leave without Pay (LWOP) under the Family Medical Leave Act (FMLA).

What is FMLA?
- The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of total leave for a birth or adoption, to care for a close family member with a serious health condition, for an employee's own serious health condition, and family military leave when a family member is called up to or on active military service.
- The Board of Regents Code (BORC) requires that the Faculty member remain in a paid status while on FMLA by exhausting all sick leave and annual leave accruals (if applicable) prior to going into a leave without pay status (LWOP). Further the BORC dictates the order in which paid leave accrual are used: sick leave accruals followed by annual leave accruals.
- Parental leaves must be certified in advance as FMLA-eligible and must be documented through the regular leave request forms.

How does the FMLA and paid leave coordinate?

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<tr>
<th>Sick leave (A &amp; B Faculty)</th>
<th>Annual Leave (A Faculty)</th>
<th>LWOP</th>
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<tbody>
<tr>
<td>FMLA – (12 weeks maximum total)</td>
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Who is eligible?
All faculty members on A and B contracts who:
- give birth to a child, or
- whose spouse or partner is giving birth to a child, or
- who adopt or otherwise add a child as a legal dependent into their household;

Independent of gender, sexual orientation, and/or marital status.

When is an employee eligible?
- A faculty member is eligible for FMLA once he or she has accumulated 12 months of service (can be a combination of employment types and 12 months does not need to be consecutive), and worked at least 1250 hours in the preceding 12 months (approximately 60% full-time equivalency).
- FMLA starts on or after the triggering event and can be used anytime up until the child’s first birthday
- Certification of the need for leave (FMLA Form 2) will come from the physician or the Department of Family Services (adoption).

How much time is available?
- A maximum of 12 weeks, reduced by any FMLA time used in the preceding 12 months.
- Faculty (A & B Contracts) will use their sick-leave accruals for the 12 weeks, or until exhausted. (Check with your Department Administrator to find out how much sick leave and annual leave you have accrued).
- Once sick leave is exhausted, Faculty on A contracts can use their annual leave accruals (subject to the regular departmental approval process). All leave should be documented, requested, and approved through the regular leave request forms.
- NOTE: B Faculty are only charged FMLA time for contracted work days.

How is parental leave negotiated?
- As early as possible, the faculty member should inform his or her supervisor of the intention to take parental leave.
- The faculty member has the right under FMLA to take up to the full 12 weeks consecutively. In that case is the responsibility of the department to cover the person’s duties during that time.
- The unit at its discretion may allow the parental leave to be taken on a part-time or intermittent basis with a negotiated reduction in teaching load or other duties. The second page gives some case studies as examples.

Benefits Continuation
While in a paid status utilizing sick leave or annual leave all benefits continue without interruption, including health insurance and retirement. If an employee goes into a LWOP status while on FMLA the University will continue to provide health insurance as long as the employee pays his or her monthly share of the premium. Retirement contributions are suspended during LWOP. In the case of LWOP an employee should contact the Benefits Department ASAP to make arrangements to pay his or her monthly health insurance premium to ensure uninterrupted coverage.
CASE STUDIES

FMLA provides for consecutive leave for up to the 12 weeks. When it is in the mutual interest of the faculty employee and the unit, however, leave may be granted on a part-time or intermittent basis at the discretion of the unit and as negotiated in advance. These case studies provide some examples for how parental leave may be arranged. The faculty member is encouraged to discuss parental leave with his or her supervisor and with the Benefits Department as early as possible.

1. Meredith (B Faculty) gives birth to baby girl during summer. Meredith has requested 12 weeks of continuous time off for maternity leave.
   - Meredith’s family medical leave (FMLA) will begin on the first Faculty reporting day of semester.
   - Meredith will not be working at all while on parental leave.
   - She will be out consecutively for 60 contracted work days to care and bond with baby.
   - Meredith returns on week 13 of an 18 week semester and is expected to be available and “at work” for all contracted worked days until semester ends.
   - She resumes her service, advising and research activities and is scheduled for her regular teaching load the next semester.
   - Meredith files leave request forms using her accrued sick leave for all contracted work days during her time off.

2. Susan (B Faculty) gives birth to a baby boy 16 weeks into Spring semester and has requested family medical leave for the remaining portion of semester and then for the Fall semester.
   - Susan was scheduled to teach Spring Semester and has developed the course outline and materials for her classes. When she goes out, a LOA will assume the remaining classes for the semester using the materials that Susan created.
   - Susan negotiated with her Chair to continue with her graduate advising and research throughout her time off and this accounts for 40% of her time.
   - While out for the remaining portion of Spring semester and the Fall semester Susan will be charged FMLA and sick leave at 60%.
   - Susan files leave request forms using her accrued sick leave for three non-work days per work week during the two semesters.

3. Stewart (B Faculty) adopts a baby boy in mid-Spring Semester and has requested paternity leave on an intermittent basis for Fall semester.
   - Stewart negotiates with his Chair for intermittent leave. Intermittent time off is at the discretion of the department, and in this case the request is approved.
   - Stewart will not work on Fridays.
   - He will teach his regular course load during Fall semester; however, he will not have any service or advisement responsibilities, which represented 20% of his effort according to his role statement.
   - Stewart files leave request forms using his accrued sick leave for one non-teaching day per work week during the semester.

4. Robert (A Faculty) requests intermittent or periodic, family medical time (FMLA) to care for his spouse who has just given birth to a child and to bond with baby. Robert has asked to work 50% of time for a period of three months.
   - Intermittent time off is at the discretion of the work area, and in this case the request is approved.
   - Robert negotiates his work schedule with his manager and, once determined, his schedule is posted and announced.
   - Robert files leave request forms using his accrued sick leave and annual leave for two and a half days per week for the duration of his time off.

5. Debra (A Faculty) gives birth to a baby girl and has requested 12 weeks of continuous time off for maternity leave after the birth.
   - Debra has 30 days of sick leave accrued, and 20 days of annual leave accrued for a total of 50 paid days available to her.
   - Debra will be required to go on leave without pay for the 10 days of time off that are not covered by her sick leave and annual leave accruals.
   - She files leave request forms for the sick leave, annual leave and LWOP.
   - Debra’s health insurance will be covered during her time off as she is on FMLA. She continues to pay her share of the premium during LWOP