Policy Title: Parental Leave for Faculty and University Staff

APS Number: 5019  APS Functional Area: HUMAN RESOURCES

Brief Description: Provides the university parental leave policy for faculty and university staff, in accordance with the Family and Medical Leave Act.

Effective: November 17, 2016

Approved by: President Bruce D. Benson

Responsible University Officer: Vice President for Academic Affairs and Vice President for Employee and Information Services

Responsible Office: Office of the Vice President for Academic Affairs and the Office of the Vice President for Employee and Information Services

Policy Contact: Office of the Vice President for Academic Affairs and the Office of the Vice President for Employee and Information Services

Supersedes: Parental Leave for Faculty and University Staff, June 6, 2005

Last Reviewed/Updated: November 17, 2016

Applies to: All Campuses

Reason for Policy: Provides the university parental leave policy for faculty and university staff, in accordance with the Family and Medical Leave Act.

I. INTRODUCTION

The intention of this policy is to provide parental leave for faculty and university staff,1 which runs concurrent with and may exceed the leave guaranteed by the FMLA.

II. POLICY STATEMENT

A. Parental Leave and the Family Medical Leave Act (FMLA)

The FMLA is a federal law that guarantees certain workers 12 weeks per year of unpaid leave to attend to certain family and medical needs, including a child’s birth, adoption, or foster care placement.

The provisions of this Parental Leave Policy are intended to be interpreted in conjunction with the FMLA. Parental Leave and FMLA shall run concurrently. Thus, leave taken under the Parental Leave Policy counts as part of, and is not in addition to, the twelve weeks of leave guaranteed by the FMLA.

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1 The rules of the state personnel system should be consulted for policies applicable to classified staff.
B. Eligibility for University parental leave

A regular faculty member or university staff member is eligible for parental leave when the employee becomes eligible for FMLA leave, or when the employee has been employed continuously for one year by the university on a half-time or greater basis, whichever occurs earlier.

A faculty member or university staff member must have an appointment of 50% or greater to be eligible for the benefits of this policy.

C. Standard Leave entitlements

The campus and system human resources offices shall inform all employees who are covered by the FMLA of their FMLA rights regarding leave for pregnancy or for the birth, adoption, or foster care placement of a child, and shall administer FMLA leave in accordance with federal law. Faculty and university staff are additionally entitled to the following university-provided standard parental leaves, which must be taken and completed within twelve months of the child’s birth, adoption, or foster care placement:

1. Nine-Month Faculty
   a. Tenured and Tenure-Track Faculty
      
      Faculty on nine-month appointments do not accrue vacation leave. Accordingly, tenured and tenure-track nine-month faculty are entitled to eighteen weeks of leave to provide care for the faculty member's child within twelve months of the birth, adoption, or foster care placement of the child, during which period the faculty member may use accrued sick leave.

      If the faculty member exhausts all sick leave before the end of the eighteen-week period, then the faculty member may continue the leave for the remainder of the period at half pay with full benefits.

   b. Other Nine-Month Faculty
      
      Other faculty on nine-month appointments shall receive the same benefit listed in Section II.C.1.a on the same terms as tenured and tenure-track faculty on nine-month appointments.

2. University Staff

University staff are entitled to six consecutive months of parental leave, during which time they may use accrued sick leave, accrued vacation leave, and/or leave without pay to care for the university staff member’s child within twelve months of the birth, adoption, or foster care placement of the child (See D.1 for alternate leave options other than consecutive). The university staff member shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

3. Twelve-Month Faculty

Twelve-month faculty shall be entitled to the same amount of parental leave as university staff, unless a campus adopts a written policy providing a different amount of leave to all twelve-month faculty or to specified categories of twelve-month faculty. The Office of University Counsel shall review any such alternate policy for compliance with the provisions of the FMLA, and the campus shall provide a copy of any such policy to the Office of Policy and Efficiency for publication along with this APS. Section IV of this APS includes references and links to campus parental leave policies.

D. Other Parental Leave Arrangements

1. Alternative Leave for Birth, Adoption, or Foster Care Placement

A faculty member or university staff person who does not wish to take the standard leave described in Section II.C may seek to negotiate an alternative leave arrangement with his or her supervisor or primary unit chair. For example: using the six-month parental leave intermittently, alternative work schedules, differentiated workloads, banked courses, etc.
The decision whether to grant such a negotiated leave arrangement shall be dictated by the needs of the unit, in the discretion of the supervisor or unit chair and in consultation with the human resources office to ensure that the decision is consistent with the FMLA. Negotiated leave arrangements must be in writing, and, in the case of a university staff person, signed by the university staff person and supervisor; or, in the case of a faculty member, by the faculty member, chair, and dean.

2. Right to Request Other Unpaid Parental Leave

For purposes of caring for their minor child(ren) of any age, faculty members and university staff may request parental leave without pay, or reduced loads at reduced pay, up to a total of 32 weeks for 9-month faculty or twelve months for university staff and 12-month faculty. This maximum of 32 weeks or twelve months of parental leave includes, and is not in addition to, any leave taken under Section II.C of this policy or leave taken under the FMLA. The supervisor has sole discretion whether to grant such requests for parental leave or schedule modifications beyond those guaranteed by Section II.C or by the FMLA.

3. Campus Parental Leave Policies

A campus may provide additional standard parental leave benefits to all campus, division or department employees, or to one or more of the categories of employees listed in Section II.C, that are more generous than those provided by Section II.C of this APS, provided that the campus:

a. adopts a written policy to that effect; and

b. provides that policy to the Office of Policy and Efficiency for publication along with this APS.

A campus that alters the benefit for twelve-month faculty as provided in Section II.C.3 shall also provide its campus policy to the Office of Policy and Efficiency for publication along with this APS.

Section IV of this APS includes references and links to campus parental leave policies.

E. Tenure Probationary Period For Tenure-Track Faculty

Consistent with Article 5.B.4 (D) of the Laws of the Regents, leave taken pursuant to this policy, including a negotiated alternative leave, does not count as part of the tenure probationary period. Parental leave results in a "stop" on the tenure clock; such "stops" must be taken in one-year increments. However, a faculty member may irrevocably elect, no later than six months following his or her return to full-time service, to have the leave time count as part of the tenure probationary period. Such an election shall be made in writing and must be approved by the dean and the chancellor.

A faculty member who has experienced the birth, adoption, or foster care placement of a child, but who does not take parental leave, may also irrevocably elect to stop the tenure clock for one year, provided the election is made in writing within six months of the child’s birth, adoption, or foster care placement.

Absent extraordinary circumstances, a maximum of two "stops" on the tenure clock for parental leave is allowed under this policy.

F. Simultaneous Leave

If both parents are employed by the University of Colorado and both are eligible under this policy, leaves under this policy may be taken simultaneously or may be staggered within 12 months of a child’s birth, adoption, or foster care placement.

III. DEFINITIONS

FMLA – The Family Medical Leave Act, 29 U.S.C. 2601 et seq., a federal law which guarantees unpaid, job protected leave for certain employees experiencing qualifying family and medical circumstances, including the birth, adoption, or foster care placement of a child.
Child – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time FMLA leave is to commence.

IV. RELATED CAMPUS POLICIES

- CU Boulder Parental Leave Policy for Tenured and Tenure-Track Faculty
- CU Denver | Anschutz Medical Campus Parental Leave Policy

V. HISTORY

- Initial policy – Parental Leave for Faculty and Unclassified Staff – approved January 18, 1990
- Revised – July 1, 2000 (Renamed Parental Leave for Faculty, Officers, and Exempt Professionals)
- Revised – March 26, 2003
- Revised – June 6, 2005
- Renamed Parental Leave for Faculty and University Staff – November 1, 2014 (The term "officer and exempt professional" was replaced with the term "university staff" effective November 1, 2014)
- Revised – November 17, 2016
- Review and non-substantial changes made effective February 12, 2018