ADMINISTRATIVE POLICY STATEMENT

Policy Title: Parental Leave Benefits for Faculty and Staff
APS Number: 5019
APS Functional Area: HUMAN RESOURCES

Brief Description: Provides the university parental leave policy for faculty and staff.
Effective: November 1, 2018
Approved by: President Bruce D. Benson
Responsible University Officer: Vice President for Academic Affairs and Vice President of Administration
Responsible Office: Office of the Vice President for Academic Affairs and the Office of the Vice President of Administration
Policy Contact: Office of the Vice President for Academic Affairs and the Office of the Vice President of Administration
Supersedes: Parental Leave Benefits for Faculty and Staff, July 1, 2018
Last Reviewed/Updated: November 1, 2018
Applies to: All Campuses

Reason for Policy: Defines the university parental leave benefits for each employment classification.

I. INTRODUCTION

The intention of this policy is to set forth the leave that a parent may take and define parental leave benefits for each employment classification.

II. POLICY STATEMENT

A. Parental Leave Benefits by Employment Classification

The provisions of this University Parental Leave Policy are intended to be interpreted in conjunction with the Family Medical Leave Act (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 12 weeks of leave guaranteed by the FMLA.

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 18 weeks of leave to provide care for the faculty member's child within 12 months of the birth, adoption, foster care placement or guardianship of a child, during which period the faculty member may use accrued sick leave.

   If the faculty member exhausts all accrued sick leave before the end of the 18-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 Nine-Month Faculty on nine-month appointments shall receive the same benefit listed in Section II.A.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 unpaid parental leave if the eligibility in Section II.B.2.b is met, (which runs concurrently with FMLA) during which time they may receive pay by using any combination and adhering to the rules of the following leave and campus FMLA programs:

- University paid parental leave benefit (see section II.B.2),
- Accrued sick leave,
- Accrued vacation leave,
- Short-term disability for birth parent only (optional plan, paid for by employee).

During parental leave, university staff are also required to adhere to any leave without pay policies.

All parental leave is granted to care for the university staff member’s child within 12 months of the birth, adoption, foster care placement or guardianship of a child. The university staff member shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

3. Twelve-Month Faculty (including Research Faculty)

Twelve-month faculty shall be entitled to the same amount of parental leave as university staff.

4. Classified Staff

Classified staff are entitled to six consecutive months of unpaid parental leave if the eligibility in Section II.B.2.b is met, (which runs concurrently with FMLA) during which time they may receive pay by using any combination and adhering to the rules of the following leave and campus FMLA programs:

- University paid parental leave benefit (see section II.B.2)
- Accrued sick leave,
- Accrued vacation leave,
- Short-term disability for birth parent only (mandatory plan, paid for by the university).

All parental leave is granted to care for the classified staff member’s child within 12 months of the birth, adoption, foster care placement or guardianship of a child. The classified staff member shall inform the appropriate supervisor as early as possible of the intent to use parental leave.

B. Parental Leave Components

1. Family Medical Leave Act (FMLA) for Parental Leave

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, foster care placement or guardianship of a child.

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, foster care placement or guardianship of a child, and shall administer FMLA leave in accordance with federal law.
2. University Paid Parental Leave Benefit Program
   a. The university grants 160 hours (4 weeks) of paid parental leave, prorated for percent of time if appointment is less than 100%, to eligible employees (see Section II.B.2.b) and can be taken and completed within one year of the birth, adoption, foster care placement or guardianship of a child.
      i. There is no cash value for paid parental leave upon termination or separation from the university and leave cannot be rolled forward for future use.
      ii. University paid parental leave is to be taken consecutively unless a campus policy allows otherwise.
      iii. University paid parental leave is calculated on the employee’s base salary only and is subject to taxes and withholdings.
      iv. The university paid parental leave program is effective for eligible employees of children born, adopted, placed in foster care or guardianship on or after July 1, 2018, unless a campus policy allows otherwise.
      v. Eligible employees are only entitled to one paid parental leave period per year from the date the first paid parental leave begins.
   b. Eligibility for University Paid Parental Leave Program
      i. A regular 12-month faculty member, university staff or classified staff member is eligible for paid parental leave if the employee has worked for 12 consecutive months in a 50% or greater regular appointment at the university immediately prior to the date of birth, adoption, foster care placement or guardianship of a child.
      ii. A regular 12-month faculty member, university staff or classified staff member must have a regular appointment of 50% or greater on the date of birth, adoption, foster care placement or guardianship of a child to be eligible for paid parental leave.

3. Alternative Leave for Birth, Adoption, Foster Care Placement or Guardianship of a Child
   Any faculty or staff member who does not wish to take the standard leave described in Section II.A may negotiate an alternative leave arrangement with his or her supervisor or primary unit chair. For example: using the six-month unpaid 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 staff member, signed by the staff member and supervisor; or, in the case of a faculty member, by the faculty member, chair, and dean.

4. 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 nine-month faculty or 12 months for university staff and 12-month faculty. This maximum of 32 weeks or 12 months of parental leave includes, and is not in addition to, any leave taken under Section II.A of this policy or leave taken under the FMLA. The supervisor has discretion whether to grant such requests for parental leave or schedule modifications beyond those guaranteed by Section II.A or by the FMLA.

C. 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, foster care placement or guardianship 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, foster care placement or guardianship of a child.

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

D. Simultaneous Leave

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

E. Campus Parental Leave Policies

1. A campus may adopt a campus specific policy provided that the approved policy is referenced in section IV of this APS and the Office of University Counsel reviews any alternate policy.
   a. A campus may provide additional parental leave benefits to its employees or to a group of its employees that are more generous than those provided by Section II.A.1, Section II.A.2, or Section II.A.4 of this APS.
   b. A campus may alter the benefit for all 12-month faculty or to specified categories of 12-month faculty as provided in Section II.A.3.

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, foster care placement or guardianship of a child.

Child – A biological child, adopted child, 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 leave is to commence.

Parent – A biological parent, adoptive parent, foster parent, guardian or a spouse, domestic partner or civil union partner of a parent, including an employee using a surrogate/gestational carrier.

IV. RELATED POLICIES

A. Campus Parental Leave Policies
   - CU Boulder
   - CU Colorado Springs
   - CU Denver | Anschutz Medical Campus

B. Regent Policy 11.E Leave Policies for University Staff and Twelve-Month Faculty
V. HISTORY

- Adopted: January 18, 1990 - Parental Leave for Faculty and Unclassified Staff.
- Revised: July 1, 2000 (renamed Parental Leave for Faculty, Officers, and Exempt Professionals); March 26, 2003; June 6, 2005; November 1, 2014 - renamed Parental Leave for Faculty and University Staff (The term "officer and exempt professional" was replaced with the term "university staff" effective November 1, 2014); November 17, 2016; February 12, 2018 (reviewed and non-substantial changes were made); July 1, 2018 (renamed Parental Leave Benefits for Faculty and Staff); July 23, 2018 (minor language clean up to Section II.A.2 and updated related policy links); November 1, 2018.
- Last reviewed: November 1, 2018.