



POLICY & PROCEDURE DOCUMENT

NUMBER: 1.1400 and 4.6310

DIVISION: Academic Affairs and Division of Strategy, Operations and Finance

TITLE: Paid Parental Leave

DATE: March 4, 2020

POLICY FOR: All Faculty and Staff Employees

AUTHORIZED BY: Provost and Vice President for Academic Affairs and Executive Vice President for Strategy, Operations and Finance

I. Purpose and Scope

This policy is established and constructed to demonstrate WKU's commitment to a workplace culture that supports faculty and staff in balancing the challenging responsibilities of work life and family life. Specifically, this policy sets forth benefits and provisions that support the family unit associated with the birth or adoption of a child. By design, this policy illustrates strongly held institutional values by providing parents significant time and flexibility to bond with a new child, to adjust to a modified family status and balance professional obligations. These tenants are consistent with WKU's strategy for recruiting and retaining an inclusive, diverse and exceptionally qualified workforce.

I. Definitions

For purposes of this policy, the following definitions apply:

- A. Eligible employee: a faculty or staff employee who meets FMLA or other eligibility criteria as stated within this policy.
- B. Parent: a faculty or staff employee who is a legal parent of a newborn or newly adopted child. A legal parent is one whose name appears on the respective child's birth certificate, or legal document establishing paternity or a legal document establishing adoption.
- C. Spouse or Other Qualified Dependent/Partner: a husband or wife, as recognized under the laws of the Commonwealth of Kentucky or Other Qualified Dependent (OQD)/Partner who is financially interdependent and sharing a primary residence with the employee. The spouse or

other qualified dependent (OQD)/partner, must meet FMLA and any other applicable eligibility criteria for any paid parental leave provisions under this policy.

- D. Parental Leave: a period of paid time away from job responsibilities for the purpose of recovery from birth of a child and/or to bond with a newborn or a newly adopted child who is under the age of 18. Parental Leave must be taken within a 12-month period from the time of the event. Parental Leave may be taken in advance of the event when deemed necessary or when required to fulfill the requirements for an adoption. Utilization is limited to once during a rolling 12 month-period based on the date of the birth or executed adoption agreement. Parental Leave is intended to run concurrently with an eligible employee's qualified FMLA leave. Pay for the paid leave period is established based on the employee's regular base salary or base hourly rate. Faculty and staff employees may take paid leave as specifically described in the applicable sections below.

II. Policy

Explanation of Benefit

All requests for Parental Leave as described under this policy should be made as far in advance as possible, but generally not less than thirty (30) calendar days before the leave is to commence. Requests for leave should be presented in writing to the applicable department/unit head. Employees may use the Paid Parental Leave benefit within twelve (12) months from the birth/adoption date. (Use FMLA forms on HR webpage)

III. Procedure- Faculty Employees

Upon request and following the provisions of policy, faculty, including those with administrative responsibilities (academic department/unit heads), will be granted Paid Parental Leave following the birth or adoption of a child. Duration of the Paid Parental Leave is for up to one (1) full academic semester or sixteen (16) consecutive semester weeks that may cross semesters. Though sixteen (16) consecutive semester weeks may cross semesters, the faculty member remains obligated to complete full workload expectations for one (1) semester of the two (2) semesters.

NOTE: Although technically defined as faculty, academic department/unit heads having twelve-month appointments earn vacation and sick leave because of their administrative appointments. In such cases, twelve (12) weeks of Paid Parental Leave shall be granted without any charge to sick or vacation leave. Parental leave between twelve (12) weeks and sixteen (16) weeks shall be charged against accumulated sick and vacation leave.

Prior to the start of or at the expiration of a Paid Parental Leave period, it may not be feasible for a faculty member to return to customary classroom/instructional duties. Because of this, a workload modification plan must be developed that provides guidance for the faculty member's work until the next semester begins. The proposed workload modification plan will generally involve a reassignment of the faculty member to research, service or administrative duties, or alternative teaching arrangements (i.e., teaching during the bi-term, meaningful service role to the department or substantive departmental administrative functions). Faculty are exempt from one semester's worth of teaching and service; therefore, any modified teaching arrangements made during partial

semesters (before and/or after paid parental leave time) shall not equal more than one semester's worth of effort in total. The applicable college dean will authorize and approve the plan in compliance with academic policies.

Faculty will not be required or expected to attend pre-semester meetings in the semester they are taking leave or during the time a sixteen (16) semester week period of leave crosses into a new semester.

A. Eligibility Criteria

There is no waiting period for full-time faculty employees prior to being eligible for Paid Parental Leave. Part-time faculty must have been employed for one (1) full semester (Fall or Spring) in order to be eligible for benefits under this policy. Part-time faculty are eligible for pay equivalent to the modal (most common) number of classes they taught in the past two academic years.

In cases where both parents are WKU employees, they may divide the leave as long as the total paid leave taken is, at most, sixteen (16) weeks. If both parents are requesting leave, both department heads must know about the other parent's request. In cases where one parent is a faculty member and the other parent is a "staff" employee, the limit of sixteen (16) weeks applies between the two parents.

B. Option to Extend the Tenure Probationary Period

A tenure track, non-tenured faculty employee may request an extension of the tenure probationary period in conjunction with an approval parental leave as provided for in Academic Affairs Policy 1.1240.

C. Considerations for Promotion

Time taken under this policy is still considered time toward promotion. In other words, if a faculty member needs five years of work at WKU until they are eligible for promotion and they take one semester of leave during those five years, they are still eligible for promotion at the end of five years. The faculty member should note their use of the Paid Parental Leave Policy in their application for promotion and that time should not count against them.

D. Conflicts of Interest

While a faculty member is on Paid Parental Leave, Academic Policy 1.2092 applies.

E. Protections for Faculty Employees

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure award or other employment-related academic process as a result of utilizing Paid Parental Leave and other provisions specified within this policy and as articulated in the University's non-discrimination policy.

F. Mid-/Late-term Miscarriages, Stillbirths, and Infant Mortality

In cases of loss of pregnancy, a stillbirth, or infant death, Policy 4.6302: FMLA (Expanded Sick Leave/FMLA) would apply.

IV. Procedure- Staff Employees

There is no waiting period for full-time staff employees prior to being eligible for Paid Parental Leave. Part-time staff employees must have worked at least 1250 hours during the 12-month period immediately preceding the requested leave.

Upon request and following the provisions of policy, a staff employee will be granted Paid Parental Leave for up to twelve (12) weeks. Paid Parental Leave will be provided for the twelve (12) week period without any charge against accumulated sick or vacation leave.

At the expiration of a Paid Parental Leave period, it may not be feasible for a staff employee to return to customary duties. Because of this, a workload modification plan must be developed that provides guidance for the staff member's work until it can resume. The applicable department/unit head will authorize and approve the plan in compliance with FMLA policy.

In cases where both parents are WKU staff employees, they may divide the leave as long as the total paid leave taken does not exceed the twelve (12) week limit. If both parents are requesting leave, both department/unit heads must be informed about the other parent's request. In cases where one parent is a staff employee and the other parent is a "faculty" employee, a limit of 16 weeks applies between the two parents.

A. Eligibility Criteria

A full-time staff employee is immediately eligible for Paid Parental Leave with no waiting period. Part-time staff employees must have been employed by the University for at least twelve (12) months and worked at least 1250 hours during the last twelve (12) months immediately preceding the parental leave request, consistent with FMLA policy.

B. Protections for Staff Employees

No staff employee shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion or other employment-related process as a result of utilizing Paid Parental Leave as described in this policy and as articulated in the University's non-discrimination policy.

C. Mid-/Late-term Miscarriages, Stillbirths, and Infant Mortality

In cases of loss of pregnancy, a stillbirth, or infant death, Policy 4.6302: FMLA (Expanded Sick Leave/FMLA) would apply.

V. Support for Pregnancy, Childbirth, Related Medical Conditions and Nursing Mothers

In compliance with federal and state law, employees are provided protections against employment discrimination related to pregnancy, childbirth, and related medical conditions. On request and following proscribed procedures, WKU will make reasonable accommodations to employees who are limited due to pregnancy, childbirth, and related medical conditions, except where an undue hardship would be imposed on the institution.

Nursing mothers shall be provided reasonable paid break time for purposes of expressing breast milk for a nursing child up to one (1) year after the child's birth date. Additionally, appropriate space/facilities for purposes of expressing breast milk shall be provided as follows:

- The area must be shielded from view and free of intrusion from others.
- A bathroom or restroom is inappropriate and shall not be designated as an area for expressing breast milk.
- The space may be a private area contained within a larger room or a private room that is reliably made available to nursing mothers whenever needed, but may otherwise be used for different purposes.
- The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to water/sink.

Nursing mothers may contact the Department of Human Resources for assistance locating facility/spaces appropriate for nursing.

VI. Related Policies

Policy 1.1241

Policy 1.2092

Policy 4.6302