

SENATE: October 2019

Senate Recommendation 2019-10-03: Parental Leave Policy approved by Senate
October 17, 2019.

Julia Shadoan, Faculty Senate Chair

Recommendation will be forwarded to the
Council of Academic Deans for review.

POLICY & PROCEDURE DOCUMENT

NUMBER: 4.####

DIVISION: Human Resources

TITLE: Paid Parental Leave

DATE: September 27, 2019

POLICY FOR: All Faculty Positions

AUTHORIZED BY: Tony Glisson, Director of Human Resources

Purpose and Scope

This policy is established and constructed to demonstrate WKU's commitment to a workplace culture that supports faculty 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 tenets are consistent with WKU's strategy for recruiting and retaining an inclusive, diverse and exceptionally qualified workforce.

Definitions

For purposes of this policy, the following definitions apply:

Eligible employee: a faculty member who meets FMLA or other eligibility criteria as stated within this policy.

Parent: a faculty member 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.

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.

Semester Weeks: weeks that occur during the fall and spring semesters in which faculty are teaching. Summer and winter breaks are not considered semester weeks.

Parental Leave: a period of paid time away from job responsibilities that may include paid and unpaid time as specified in this policy. The purpose is for the 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.

Paid Parental Leave: paid leave that is awarded separate from any eligible employee's balance of accrued sick or vacation leave. Paid 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 members may take paid leave as one full semester or 16 consecutive semester weeks that may cross semesters as described below.

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 12 months from the birth/adoption date. (Use FMLA forms on HR webpage)

Faculty Employees

Upon request and following the provisions of policy, faculty, including those with administrative responsibilities, 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) academic semester or 16 semester weeks. If the birth/adoption occurs mid-semester or late-semester, a faculty member may choose to take paid leave during the semester in which the event occurs and/or the following semester.

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 (i.e., teaching during the bi-term, service role to the department or 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.

Summer and winter breaks are not counted against the semester or 16 week total, respectively. Faculty will not be required or expected to attend pre-semester meetings in the semester they are taking leave or during the time a 16 semester week period of leave crosses into a new semester. However, any holiday or closure period of less than five (5) business days is counted toward the limit.

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 choose to take paid parental leave independent of each other.

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.

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.

Conflicts of Interest

While a faculty member is on paid parental leave, Academic Policy 1.2092 applies.

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 Parental Leave and other provisions specified within this policy and as articulated in the University's non-discrimination policy.

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.

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.

Related Policies

Policy 1.1240

Policy 1.2092

Policy 4.6302

DRAFT for Discussion Purposes