

# University of Houston Clear Lake

## MEMORANDUM OF ADMINISTRATIVE POLICY

**SECTION: Human Resources**

**Number: 02.D.08**

**AREA: General**

**SUBJECT: Parental Leave**

### I. PURPOSE

- 1.1. This policy describes the parental leave benefits that the University of Houston - Clear Lake provides to eligible employees in accordance with the General Provisions of the [State General Appropriations Act](#) and [Texas Government Code, Section 661.913](#).
- 1.2. The university shall include policies and procedures regarding parental leave into its faculty and staff handbooks, where such handbooks exist.

### II. DEFINITIONS

- 2.1 Child: For the purposes of parental leave, a biological, adopted, or foster child under three years of age.
- 2.2 Eligible employee: For the purposes of parental leave, and as documented in [Texas Government Code, Section 661.913](#), any employee who:
  - 2.2.1 Has worked for the State of Texas for a period of time less than 12 months; and/or
  - 2.2.2 Has fewer than 1,250 hours actually worked for the State of Texas in the 12- month period immediately preceding the leave.
- 2.3 Family and Medical Leave Act (FMLA): For the purposes of this document, FMLA means the [Family and Medical Leave Act of 1993](#), Public Law 103-3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq.).
- 2.4 Year: Twelve months measured forward from the first date parental leave begins.

Other applicable definitions may be found in [UH -Clear Lake Administrative Memorandum \(SAM\) 02.D.06, Family and Medical Leave](#).

## III. POLICY

- 3.1. University of Houston - Clear Lake employees who have not met the employee eligibility requirements for FMLA are entitled to parental leave for the following qualifying conditions:
  - 3.1.1. The birth of a child to the employee and care of the newborn.
  - 3.1.2. The placement of a child under three years of age with an employee in connection with the adoption or state-approved foster care of the child.
- 3.2. The eligible employee is entitled to a maximum of 12 weeks of approved parental leave in a year, as defined in this policy. The employee may take a shorter leave. Employees who meet the eligibility requirements of family and medical leave are entitled to benefits under [SAM 02.D.06, Family and Medical Leave](#).
- 3.3. The policy of the University of Houston - Clear Lake will ensure equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, ethnicity, military status, genetic information, sex (including gender and pregnancy), or any other legal protected status law (such as discrimination and/or retaliation based on antisemitism<sup>1</sup>), except where such a distinction is required by law. Additionally, University of Houston - Clear Lake prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression. For the UH System's Official Non-Discrimination Statement, see [SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement](#).

## IV. PROVISIONS

- 4.1 An eligible employee must use all applicable accrued paid leave (including sick leave and vacation) while taking parental leave. The use of accrued sick leave is, however, restricted to those circumstances that would otherwise qualify the employee for sick leave usage under state law and university rules and regulations governing the use of sick leave ([SAM 02.D.01, Vacation and Sick Leave](#)). The employee may choose to use accrued compensatory time, instead of unpaid parental leave, but may not be required to do so. Any [Fair Labor Standards Act \(FLSA\)](#) compensatory time (1.5) taken may not be counted against the employee's 12-week parental leave entitlement.
- 4.2 Employees with less than six months of continuous employment with the State of Texas are not eligible to take vacation under this policy.
- 4.3 A leave of absence extends the probationary period of employment by the amount of leave taken.
- 4.4 Parental leave may start no earlier than the date of birth of a natural child or adoption or foster care placement of the child.
- 4.5 Except under the conditions outlined in Section 5.4 of [SAM 02.D.06, Family and Medical Leave](#), employees returning from approved parental leave within the provisions of this policy

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<sup>1</sup> Antisemitism "means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities." TEX. GOV'T CODE § 448.001(2).

shall be restored to their original or equivalent positions with equivalent pay, benefits, and other terms and conditions of employment.

4.5.1 An employee offered an equivalent position who chooses to decline the position waives any rights to reinstatement.

4.5.2 An employee who believes that a position offered is not an equivalent position is entitled to file a grievance under [SAM 02.A.05, Employee Relations, Grievance, and Appeal](#), or the comparable policy and procedure.

4.6 Other provisions relating to leave for birth, adoption, or foster care of a child under family and medical leave apply also to parental leave. Those provisions may be found in [SAM 02.D.06, Family and Medical Leave](#).

## V. PROCEDURAL REQUIREMENTS

The University of Houston - Clear Lake has developed procedures that include the following provisions, as required by the terms of the [Family and Medical Leave Act](#).

### 5.1 Applying for Parental Leave:

5.1.1 Requests for parental leave must be submitted on the same application used to apply for family and medical leave and shall be accompanied by a written statement or form certified by the health care provider. "Request for Parental Leave" should be noted at the top of the application form.

5.1.2 The employee is responsible for submitting both required forms to the university at least 30 calendar days in advance of the leave, where possible.

5.1.3 Full information must be provided as outlined in [SAM 02.D.06, Family and Medical Leave](#). To request leave based on the adoption or placement of a child, a copy of the legal orders of adoption or placement is required.

### 5.2 Employee Requirement for Return to Work:

5.2.1 Upon return to work, an employee who has been on approved leave for more than three days based on the employee's serious health condition (i.e., childbirth) will be required to present to the university a doctor's release certifying fitness to return to work. This requirement does not apply to the father or adoptive/foster parent taking parental leave.

5.2.2 A request to return to duty with restrictions will be considered on a case- by- case basis, based on such concerns as the needs of the department, the essential functions of the job, and the type and extent of existing restrictions.

### 5.3 General Procedural Requirements:

5.3.1 The Human Resources Department must be contacted within 30 days of the birth/adoption/placement to add the new baby/child to the employee's insurance if coverage is desired.

5.3.2 All insurance coverage, employee reporting requirements, and record keeping are the same as those for family and medical leave as outlined in [SAM 02.D.06, Family and Medical Leave](#).

VI. REVIEW AND RESPONSIBILITIES

Responsible Party: AVP, Human Resources/CHRO

Review: Every five years, on or before August 31st

VII. APPROVAL

*/Martin Baylor/*

Interim Vice President for Administration and Finance

*/Richard Walker Ed.D./*

President

Date: May 29, 2024

VIII. REVISION LOG

<b>Revision Number</b>	<b>Approved Date</b>	<b>Description of Changes</b>
1	07/09/2021	UH System Policy adopted and placed in UHCL Standardized MAP Template.
2	11/29/2023	To align with SAM 01.D.07, updated non-discrimination statement.
3	05/23/2024	To align with SAM 01.D.07, updated non-discrimination statement.

IX. REFERENCES

[State General Appropriations Act](#)  
[Texas Government Code, Section 661.913,](#)  
[Family and Medical Leave Act of 1993 UH -Clear Lake Administrative](#)  
[SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement. SAM](#)

[02.D.01, Vacation and Sick Leave](#)).

[Fair Labor Standards Act \(FLSA\)](#)

[SAM 02.D.06, Family and Medical Leave](#),

[SAM 02.A.05, Employee Relations, Grievance, and Appeal](#),