

PARENTAL LEAVE POLICY AND PROCEDURE

Reviewed and approved by University Council on October 8, 2009

1.0 Purpose

1.1 An employee who does not meet the eligibility requirements for FMLA leave may be eligible for parental leave for the birth of a natural child or the adoption or foster care placement of a child under 3 years of age.

1.2 This policy describes the parental leave benefits the UHCL provides to eligible employees in accordance with the provisions of the Texas Government Code, Section 661.913.

1.3 There may be differences in the Parental Leave Policy and FMLA. Employees are encouraged to contact the Office of Human Resources for clarification.

2.0 Definitions

2.1 Child - for the purpose of parental leave, a biological, adopted, or foster child under 3 years of age.

2.2 Eligible Employees - for the purpose of parental leave, an employee who:

- has worked for the State of Texas for a period of time less than 12 month; or
- has fewer than 1,250 hours actually worked in the 12-month period immediately preceding the leave.

2.3 Year - twelve months measured forward from the first date parental leave begins.

2.4 FMLA leave - employee leave from work covered by the Family and Medical Leave Act of 1993.

Other applicable definitions may be found in the UHCL policy on FMLA leave.

3.0 Policy

3.1 UHCL employees who are not eligible for FMLA leave are entitled to parental leave for the following qualifying conditions:

- a. The birth of a child to the employee and the care of the newborn;
- b. The placement of a child under 3 years of age with the employee in connection with the adoption or state-approved foster care of the child.

3.2 Parental leave may not begin until the date of the birth of a natural child, placement of a child for adoption or foster care, or the recommendation of a health care provider.

3.3 An 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 for FMLA leave are only entitled to FMLA leave.

3.4 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 UHS or UHCL policy governing the use of 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 FLSA compensatory time (1.5) taken may not be counted against the employee's 12-week parental leave entitlement.

3.5 Parental leave is available to both men and women.

4.0 Policy Provisions

4.1 Employees with less than six months of continuous employment with the State of Texas are not eligible to take vacation under this policy.

4.2 A leave of absence by a probationary employee extends the probationary period of employment by the amount of leave taken.

4.3 Subject to fiscal constraints, an employee returning from approved parental leave within the provisions of this policy shall be restored to the original position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

- a. An employee offered an equivalent position who chooses to decline the position waives any right to reinstatement.
- b. An employee who believes that a position offered that is not an equivalent position is entitled to file a grievance under the UHCL faculty or staff grievance policy and procedure located in the Office of Human Resources.

5.0 Procedural Requirements

5.1 Applying for Parental Leave

- a. a. A request for parental leave must be submitted on the same application form used to apply for FMLA leave. The request must be accompanied by either:
 1. For birth of a natural child, the FMLA certification of a health care provider (UHCL FMLA Form 1) including the date of birth; or
 2. For placement of a child for adoption or foster care, a copy of the orders of adoption or placement, and certification of the age of the child to be adopted or placed for foster care.
- b. The employee is responsible for submitting both required forms to the Office of Human Resources. Unless extraordinary conditions prevail, at least 30-calendar days notice is expected before the leave begins.

5.2 General procedural requirements

- a. Birth of a natural child or placement of a child for adoption or foster care is a qualifying event that may affect employee insurance benefits. To include the child for coverage under employee health insurance, the UHCL Office of Human Resources must be notified within 30 days after the birth/adoption/placement.
- b. The insurance coverage requirements, employee reporting requirements, and documentation requirements that pertain to employees on FMLA leave also apply in cases of parental leave. See UHCL FMLA policy and procedures available in the Office of Human Resources.

Signature:
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Approval Date: March 11, 1999

Sunset Date: March 11, 2019