

POLICIES

Issued: November 19, 2018

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to provide a work environment that is supportive of employees' work and personal life obligations by offering parents the opportunity to bond with their new child and balance their professional obligations through paid parental leave.

Purpose

The purpose of the paid parental leave policy is to give parents additional flexibility to adjust to their new family situation and balance their professional obligations by providing six (6) weeks (225 hours) of paid parental leave.

This policy describes the circumstances in which paid parental leave may be taken, procedures for taking parental leave, medical certification requirements, coordination with other types of leave, reinstatement issues and other matters related to paid parental leave.

Contents

Definitions

- Eligible Employees
- Regular Position
- Full-Time Equivalent (FTE)
- Family Medical Leave Act (FMLA)
- State of Tennessee Leave for Adoption, Pregnancy, Childbirth, and Nursing an Infant
- State of Tennessee Leave for Adoptive Parents
- Paid Parental Leave

Procedures

- Eligibility

- General Provisions
- Specific Provisions for Faculty
- University Holidays and Emergency/Inclement Weather Closings
- Confidentiality
- Procedures
- Medical and Adoption Documentation
- Reinstatement
- Payback Provision

Definitions

Eligible Employees	Full time faculty and full or part time staff employed by the University in a regular position for at least twelve (12) months prior to the birth or adoption of the child.
Regular Position	A position that carries all employee benefits including retirement and leave accrual.
Full-Time Equivalent (FTE)	The ratio of the total number of hours of a full-time position in comparison to the hours on a less than full-time position.
Family Medical Leave Act (FMLA)	Provides employees up to 12 workweeks of unpaid leave during a 12-month period for family or medical leave and ensures employee is reinstated to the same or an equivalent position following the leave period, in accordance with FMLA guidelines.
State of Tennessee Leave for Adoption, Pregnancy, Childbirth and Nursing an Infant	Provides a period of up to four (4) months of leave to employees for adoption, pregnancy, childbirth and nursing an infant, where applicable. Employee eligibility for this type of leave must be in accordance with T.C.A. §4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child. Use of sick or annual leave during this period shall be used in accordance with T.C.A. § 8-50-802
State of Tennessee Leave for Adoptive Parents	Special leave shall be granted for a period of twelve (12) weeks to adoptive parents. Employee eligibility for this type of leave must be in accordance with T.C.A. § 8-50-806.
Paid Parental Leave	A period of paid leave of absence (that does not reduce an employee's balance of any other paid leave) for eligible employees to adjust to their new family situation and balance their professional obligations due to the birth or adoption of a child under the age of 18.

Procedures

Eligibility

Eligibility for paid parental leave is determined based on the following criteria:

- Employee is the biological parent(s), or adoptive parent(s).
- Faculty and staff employed in a regular position regardless of FTE.
- Faculty must be on an active contract during the time the leave is being sought.
- The employee must be continuously employed by the University in a regular position for at least twelve (12) months prior to the birth or adoption of the child.
- The paid parental leave will end immediately, if the employee no longer meets the criteria for eligibility. For example, if the employee voluntarily or involuntarily transfers to an ineligible position, or separates from the University while on paid parental leave
- Surrogate mothers and/or egg, embryo, or sperm donors are not eligible for paid parental leave.

General Provisions

Paid parental leave is a benefit of employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotions, and disciplinary actions, or under attendance policies. Use of paid parental leave shall not adversely affect consideration for future salary adjustments.

Departments should be supportive in managing paid parental leave request to allow faculty and staff to handle career and family responsibilities effectively and efficiently.

Workload issues should be dealt with proactively so that excessive work demands are not placed on other faculty and staff.

Leave Provisions

Paid parental leave is to be used concurrent with FMLA, the State of Tennessee Leave for Adoption, Pregnancy, Childbirth and Nursing an Infant, and the State of Tennessee Leave for Adoptive Parents.

An eligible faculty or staff employee will be provided up to 6 weeks (225 hours) of paid parental leave within 12 months

following the birth or adoption of a child. The amount of leave is prorated based on the employee's FTE at the time of the leave.

An eligible faculty or staff employee is limited to receiving the paid parental leave benefit up to three times during their career at the University, regardless of any breaks in service.

Employees may request additional leave (beyond the six weeks of paid parental leave) by applying their accrued leave or other benefits. An eligible employee should consult with the Office of Human Resources for assistance when planning a paid parental leave.

Paid parental leave will be paid at 100 percent of the employee's base pay rate.

The paid parental leave may be taken upon the birth or adoption of a child under the age of 18.

If both eligible parents are employed at APSU, each parent may receive up to 6 weeks (225 hours) of paid parental leave. Parents may choose to take paid parental leave concurrently or at separate times, according to their preference.

Multiple births or adoptions that occur at the same time (for example, the birth or adoption of twins) does not increase the length of paid parental leave provided.

Paid parental leave will not reduce any employee's (staff and faculty) balance of accrued sick or annual leave or any faculty member's eligibility for any other form of academic leave.

Additional Provisions for the Adoption of a Child

When the adoption is in the legal process, the paid parental leave may begin from the point the child is placed with the eligible employee (granted custody) for the purpose of adoption. The paid parental leave will generally commence immediately following the adoption of a child. However, paid parental leave may occur prior to an adoption when deemed necessary to fulfill the legal requirements for an adoption.

If the adoption involves a child who is incapable of self-care because of a mental or physical disability the age limit of 18 may be waived.

Concurrent with FMLA Leave

Paid parental leave will run concurrently with FMLA leave, if the employee meets the eligibility requirements of the FMLA. The concurrent use of paid parental leave and FMLA leave will decrease, in whole or in part, the amount of FMLA leave available to the employee.

Coverage for Essential Duties

While an employee is on paid parental leave, the department may be provided with replacement funds to assist in covering the functions of the employee. This will provide coverage of on-site and online courses as well as the essential duties of faculty or staff, in order to prevent the placement of excessive work demands on other faculty or staff. The University will cover the anticipated replacement costs; however, it is expected that salary replacements for auxiliary, restricted, or revenue generating units be funded from within the unit. The replacement cost provided for faculty using paid parental leave will be in accordance with the salary structure for faculty adjunct established within each respective academic unit. Replacement costs for staff will be determined using a salary average based on employee classification and relevant functions.

Intermittent and Reduced Leave

Paid parental leave may be taken within the 12 months following the birth or adoption of a child and is available on a continuous, intermittent (separate blocks of time), or reduced schedule (reduces number of work hours per day or per week) basis. However, intermittent or reduced schedule paid parental leave requires approval by the immediate supervisor/chair and may require approval by the Dean, Director or Department Head in accordance with the respective department's procedures. An eligible employee must consult with his or her supervisor/chair and make a reasonable effort to schedule intermittent/reduced schedule paid parental leave so as not to unduly disrupt the University's operations. Intermittent or reduced schedule leave may not be taken in increments of less than one hour.

Taking the paid parental leave on an intermittent or reduced schedule basis does not extend the 12 months after the birth or adoption in which the leave must be taken.

Any unused paid parental leave at the conclusion of the 12 months following the birth or adoption of a child will be considered forfeited. Any paid parental leave remaining at the end of the 12 months is not banked for later use or paid out, and cannot be combined with any future paid parental leave.

Specific Provisions for Faculty

Following the birth or adoption of a child, tenure-track faculty may request a one-year extension to the tenure clock in accordance with existing “stop the clock” procedures as specified in the Faculty Handbook.

Faculty may request modified duties at the end of the 6 weeks of paid parental leave, but not to extend beyond the semester in which the 6 weeks end. Department Chairs, Supervisors, and Deans are strongly encouraged to accommodate requests for temporary assignment of “modified duties.” An eligible employee must consult with his or her supervisor/chair and make a reasonable effort to schedule modified duties so as not to unduly disrupt the University’s operations.

Modified duties are considered to include, but should not be limited to, on-site and online duties, including teaching, clinical field placement, research or clinical laboratory duties, librarian duties, student advising, committee work, and other service. Faculty should not be expected to teach online courses in lieu of on-site duties.

Any modification in duties is not to be made up at a later date. Faculty shall not be required to “bank” or “make up” duties prior to or following the modification of duties benefit.

If paid parental leave is taken during an approved faculty administrative leave, such as Professional Development Assignment (PDA), the faculty member may negotiate the terms of the PDA with their Chair and Dean.

University Holidays and Emergency/Inclement Weather Closings

Holidays: If an official University holiday occurs during the eligible employee’s paid parental leave, the eligible employee will receive holiday pay in lieu of a paid parental day, provided the eligible employee is in pay status the day before and the day after the official University holiday. Official University holidays will not count against the employee’s paid parental leave balance.

Emergency/Inclement Weather Closing: Employees on scheduled paid parental leave before the decision to close the

University due to emergency or inclement weather should continue to report their leave as paid parental leave.

Benefits Continuation and Contributions

The University will continue to pay the employer portion of any elected benefits (such as insurance and retirement) and the employee will remain responsible for the employee portion during approved paid parental leave.

Coordination of Paid Parental Leave with Other University Leaves

Paid parental leave may be used consecutively with other benefits such as sick leave, annual leave, short/long-term disability, and leave without pay. An eligible employee should consult with the Office of Human Resources for assistance when planning a paid parental leave.

Confidentiality

All medical information relating to paid parental leave, whether verbal or written, including FMLA medical documentation, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical statements and FMLA medical certifications must be maintained within the Office of Human Resources in confidential, secure files separate from the employee's personnel file in accordance with federal law.

Procedures

The employee should notify his or her department of their intention to request paid parental leave. The employee should provide the department with the anticipated timing and duration of the leave.

To receive paid parental leave, the employee must complete the Paid Parental Leave Request Form, and submit the approved form to the Office of Human Resources for review and processing by the end of the fifth month of pregnancy. It is understood that under certain circumstances it may not be feasible to provide notice by the end of the fifth month of pregnancy; in these cases, the employee must provide notice as soon as practicable.

When on intermittent or reduced schedule Paid Parental Leave, the employee must follow the department's procedures for requesting time off and calling in absences.

If the employee is eligible for FMLA leave and has FMLA leave available, the FMLA form is also required for the use of the paid parental leave. If paid parental leave is being combined with any other type of available leave, appropriate application and documentation procedures must be followed as indicated on the relevant leave policy.

In accordance with this policy and aligned to the faculty member's preference, faculty will complete a Modification of Duties Form which will propose their specific modifications. Chairs and Supervisors are strongly encouraged to support the modifications, provided they are in alignment with this policy and the needs of the department are considered. The form will be filed with the Office of Human Resources and a copy maintained in the faculty's department. If there is a lack of mutual agreement in the modification of duties requested, faculty and Department Chairs/supervisors may request the assistance of the Dean to reach an agreed-upon solution.

Medical and Adoption Documentation

In addition to the Paid Parental Leave Request Form the eligible employee will also be required to provide the Office of Human Resources with the below documentation within 30 days following the birth or adoption of a child.

- Birth of a child – appropriate birth documentation, such as a birth certificate or hospital birth confirmation.
- Adoption of a child – appropriate adoption documentation, such as an adoption order.

Reinstatement

At the conclusion of the paid parental leave, the employee will return to the same position held at the time the leave began or to an equivalent position with equivalent pay, benefits, and working conditions, provided the employee can perform the essential functions of the position.

The University's obligation to reinstate the employee to the same or equivalent position ceases, if and when, the following take place:

1. The employment relationship would have ended if the employee had not taken paid parental leave.
2. The employee informs the University of his or her intent not to work at the end of the paid parental leave.
3. The employee fails to return to work at the end of the paid parental leave.

An employee on paid parental leave is still subject to a reduction in force (RIF) or reassignment that would have otherwise occurred, had the employee been working.

Payback Provision

If the employee fails to return to work after the period of paid parental leave or returns to work but fails to remain at the University for at least 90 days, the employee must reimburse APSU the salary paid under this policy, unless employed at APSU for five or more years. Employees shall not reimburse APSU if the failure to return to work is due to a medical condition of the employee or the child, subject to medical documentation.

Revision Dates

APSU Policy 5:034 – Rev.: August 15, 2018

APSU Policy 5:034 – Issued: June 18, 2018

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
			<input checked="" type="checkbox"/>		

Approved

President: signature on file