

University Policy: Parental Leave Policy

Policy Category: Personnel

Subject: Paid Parental Leave for Faculty and Staff

Responsible Executive: Chief of Staff to the President

Office(s) Responsible for Review of this Policy: Office of Human Resources

Supplemental Documents:

Related University Policies: Sick and Safe Leave Policy, Family Medical Leave Policy, District of Columbia Family and Medical Leave, Short-Term Medical Leave, District of Columbia Universal Paid Leave Amendment Act

I. SCOPE

This Parental Leave policy applies to eligible full-time staff and faculty.

II. POLICY STATEMENT

American University is committed to supporting eligible faculty and staff balance the demands of their professional and family obligations. In accordance with the terms and conditions of this Policy as well as the federal Family and Medical Leave Act of 1993, as amended (“FMLA”), District of Columbia Family and Medical Leave Act (“DCFMLA”), and the District of Columbia Universal Paid Leave Amendment Act (“PFL”), the University will provide eligible employees with paid leave to care for their newborn child, newly adopted child, new foster care child, or a child newly placed in their legal custody.

III. DEFINITIONS

- A. Adjusted Base Salary:** An eligible employee’s base salary offset by payments received for the UPLAA benefit as defined in this policy. Adjusted Base Salary will be used to calculate retirement plan contributions.
- B. Base Salary:** An eligible employee’s annual base salary only. It does not include overtime, stipends, shift differentials, or other forms of additional compensation.
- C. Child:** An offspring, adopted child, foster child, or a child who is in the process of being adopted and placed in the home of a family who plans to adopt them. This also includes a

child for whom the eligible employee: has financial responsibility and has been appointed legal guardian.

- D. District of Columbia Family and Medical Leave Act (“DCFMLA”):** The District of Columbia law that provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- E. Family Medical Leave Act (“FMLA”):** The federal law that provides eligible employees with unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- F. Full-Time Faculty:** One appointed to a tenured, tenure-track, or term faculty position by the Dean of Faculty. Such positions are paid on a salaried basis and according to a contract.
- G. Full-Time Non-Teaching Faculty (Librarians):** One appointed to a continuing appointment or continuing appointment track by the Dean of Faculty. Such positions are paid on a salaried basis and according to a contract.
- H. Full-Time Staff:** One appointed to a full-time position at the university as identified in and authorized by the personnel budget of the employing department and which requires working at least 28 hours a week for more than three consecutive months.
- I. Qualifying Event:** For the purpose of this benefit, qualifying event includes the birth, adoption, fostering, or otherwise assuming care for a child.
- J. Parental Leave:** Leave taken by an eligible employee related to the birth, adoption, foster care placement, or assumption of legal custody of a Child.
- K. Short-Term Medical Leave (“STML”):** University-provided medical leave benefit for eligible full-time employees that continues base salary and benefits the employee for their own medical recovery following childbirth recovery after the birth.
- L. Universal Paid Leave Amendment Act of 2016 (“PFL”):** The District of Columbia law that provides the government administered paid leave to employees who work for an employer in the District. The law allows qualifying paid leave for up to a maximum of 8 workweeks for parental leave, 6 workweeks for family leave and 2 workweeks for medical leave. In no case shall an employee receive more than 8 weeks of combined PFL within a 52-workweek period that an eligible individual may take within one year of the occurrence of a qualifying leave events. Employee access to PFL leave benefits begins on July 1, 2020. This program for eligible employees is funded fully by a tax paid by American University to the District of Columbia.

IV. POLICY

A. Eligibility

This policy covers all Full-Time Faculty, Full-Time Non-Teaching Faculty, and Full-Time Staff if they meet certain length of service and number of hours worked requirements. This includes faculty members on consecutive 9 month contracts as well as faculty or staff members who have worked at the university for a period totaling 12 months without a break in employment and have worked at least 1,000 hours during the 12-month period immediately preceding the request for leave. Additionally, they must have applied for FMLA, DCFMLA, and the PFL benefit(s) and authorized the DC Office of Paid Family Leave (“OPFL”) to release the PFL benefit amount and relevant information to the university.

Adjunct faculty members and part-time staff members may be eligible for benefits under the PFL. More information can be found in the *Faculty and Staff Benefits Manual*, in the Legally Required Benefits section.

B. Timing of Parental Leave

An eligible employee must take Parental Leave within one year following the birth of their Child or within one year of a Child being placed in their adoptive care, foster care, or legal custody. Parental Leave must be taken on a continuous basis and cannot be taken intermittently or on a reduced schedule. When an eligible employee has given birth, Parental Leave will commence no earlier than after the conclusion of any paid Short-Term Medical Leave provided to the employee for their own medical recovery following childbirth.

Parental Leave availability is calculated on a “rolling” twelve (12) month period, measured from the date an eligible employee first uses the leave. An employee can take a period of time for Parental Leave only once in a 12-month period, regardless of whether more than one birth, adoption, foster care placement, or legal guardianship occurs within that 12-month period.

C. Parental Leave Benefit

Positions that accrue leave, including Full-Time Staff and Full-Time Non-Teaching Faculty, will receive up to 8 weeks of paid Parental Leave benefit payments equal to their base salary and offset by any PFL benefit payments. These individuals may choose to use accrued annual and sick leave to extend the paid leave for a period of up to one semester. Tenured, tenure track, and term faculty who do not accrue leave are eligible to receive one semester of paid Parental Leave equal to their base salary and offset by any PFL benefit payments.

D. Coordination with PFL and FMLA

Faculty or staff must apply for leave under PFL, FMLA and/or DCFMLA in order to receive university-provided Parental Leave. Additionally, employees who qualify to receive a parental leave benefit under PFL will have their university-provided Parental Leave benefit payments offset in an amount equal the payment received from the District of Columbia.

Parental Leave runs concurrently with any family leave provided pursuant to PFL, FMLA, and/or DCFMLA. In addition, DCUPLAA mandates benefit payments but does not provide job protections, while FMLA and DCFMLA provide certain job protections.

E. Requesting Parental Leave

Staff and faculty should contact the Benefits Team in the Office of Human Resources and their supervisor as far in advance of the anticipated effective dates of parental leave where possible, but generally not less than 30 days. The Benefits Team in the Office of Human Resources will review the Parental Leave application and benefit payment processes with employees.

F. Extension of Other University Benefits

Eligible employees will retain fringe benefits during periods of approved Parental Leave, however retirement contributions will be based on the eligible employee's Adjusted Base Salary. In addition, educational benefits may continue if employee certify their intention to return to full-time active status immediately for at least 30 days after the leave has ended and agree in writing to reimburse the university if they do not return to work.

G. Pay During Holidays and Closures

Periods of campus closure, including holidays and emergency closings, will be paid under this leave plan to the extent other full-time faculty and staff are paid for the holiday or closure.

H. Qualifying Events in Prior to July 1, 2020.

Eligible employees who have qualifying events that occurred in the twelve months prior to the effective date of this policy may be eligible for this benefit. Eligible employees should contact HR for more information.

I. Departmental Support

Faculty and staff who meet the eligibility requirements for Parental Leave are entitled to periods of leave based on the terms and conditions of this policy. Departments are expected to take appropriate action to absorb the employee's workload while they are on Parental Leave. In the event of a critical need to backfill the employee's responsibilities during the Parental Leave, a departmental funding source may allow for the hiring of a temporary employee to cover those responsibilities until the Parental Leave ends.

V. EFFECTIVE DATE AND REVISIONS:

This Policy is effective as of July 1, 2020.