



## Interim Policy on Staff Parental Leave and Other Family Supports

**PRESENTED BY** Jane Hirshberg, Chair

**REVIEW DATES** SEC – February 21, 2020 | SENATE – March 3, 2020

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [VII-7.49\(A\) UM Policy on Staff Parental Leave and Other Family Supports](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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Due to recent changes in state law, the University System of Maryland (USM) revised its Policy on Parental Leave and Other Family Supports for Staff ([VII-7.49](#)) in June 2019. The University of Maryland Policy on Staff Parental Leave and Other Family Supports (VII-7.49[A]) was revised to reflect the changes in USM policy and was approved on an interim basis on September 19, 2019, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Staff Affairs Committee with reviewing the interim Policy on Staff Parental Leave and Other Family Supports, consulting with administrators and with staff who have recently utilized the policy, considering provisions related to age limits and types of leave that staff can use, consulting with the Faculty Affairs Committee (which was charged with reviewing a similar policy covering faculty), and recommending changes, as appropriate.

### RECOMMENDATION

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The Staff Affairs Committee recommends that the University of Maryland Policy on Staff Parental Leave and Other Family Supports be revised as indicated in the document immediately following this report.

### COMMITTEE WORK

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The Staff Affairs Committee met with a representative from University Human Resources to discuss changes in the interim policy, conducted a survey of staff members who have recently used the policy, and considered several substantive issues identified in its charge. The committee determined that there was no need to provide staff the opportunity to use sick leave in place of annual leave, given staff have alternative methods to use sick leave to care for children and partners. It considered language in the interim policy indicating that Parental Leave can only be used for adoption, fostering, and the assumption of legal guardianship if a child is under the age of six. The committee determined that there is no compelling reason to impose such a restriction, and recommended revisions that would make the benefit available to support the addition of any child under the age of eighteen. The committee also proposed a series of technical revisions to the policy.

After due consideration, the Staff Affairs Committee voted to approve the revised Policy on Staff Parental Leave and Other Family Supports at its meeting on January 17, 2020.

## **ALTERNATIVES**

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The Senate could choose not to approve the revisions to the University of Maryland Policy on Staff Parental Leave and Other Family Supports. However, the University would lose the opportunity to support families who welcome children older than six years of age, and to clarify aspects of the process.

## **RISKS**

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There are no associated risks to the University in adopting these recommendations.

## **FINANCIAL IMPLICATIONS**

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The revisions may have limited financial implications depending on the frequency with which staff assume parenting responsibilities for children over the age of 6.



## Interim Policy on Staff Parental Leave and Other Family Supports

### 2019-2020 Committee Members

**Jane Hirshberg** (Chair)  
**Max Balagtas-Badoy** (Non-Exempt Staff Contingent II)  
**Amelia Barabak** (Ex-Officio Provost's Rep)  
**Darrell Claiborne** (Ex-Officio NV CUSS Rep)  
**Jaison Cooper** (Exempt Staff Contingent II)  
**Everett Daviage** (Exempt Staff-Division)  
**Robert DuDonis** (Non-Exempt Staff-Division)  
**Cathy Fisanich** (Non-Exempt Staff-Academic)  
**Sarah Goff** (Ex-Officio CUSS Rep)  
**Elizabeth Hinson** (Ex-Officio NV CUSS Rep)  
**Antionietta Jennings** (Non-Exempt Staff-Division)  
**Rythee Lambert-Jones** (Ex-Officio Director of Human Resources Rep)

**Anne Martens** (Ex-Officio VP Administration & Finance Rep)  
**Kalia Patricio** (Ex-Officio CUSS Rep)  
**Jeanne Pekny** (Non-Exempt-Academic)  
**Brianne Rowh** (Exempt Staff-Division)  
**Margaret Saponaro** (Faculty)  
**Maureen Schrimpe** (Ex-Officio CUSS Rep)  
**Kristin Stenson** (Exempt Staff-Academic)  
**Brooke Supple** (Ex-Officio VP Student Affairs Rep)  
**Timea Webster** (Exempt Staff-Academic)

### Date of Submission

February 2020

## BACKGROUND

Due to recent changes in state law, the University System of Maryland (USM) revised its Policy on Parental Leave and Other Family Supports for Staff ([VII-7.49](#)) in June 2019. The University of Maryland Policy on Staff Parental Leave and Other Family Supports (VII-7.49[A]) was revised to reflect the changes in USM policy and was approved on an interim basis on September 19, 2019, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Staff Affairs Committee with reviewing the interim Policy on Staff Parental Leave and Other Family Supports, consulting with administrators and with staff who have recently utilized the policy, considering provisions related to age limits and types of leave that staff can use, consulting with the Faculty Affairs Committee (which was charged with reviewing a similar policy covering faculty), and recommending changes, as appropriate (Appendix 1).

## KEY CHANGES IN INTERIM POLICY

The University's Policy on Staff Parental Leave provides eligible staff a guaranteed period of paid Parental Leave to support the addition of a child to the family. The benefit requires that staff use various forms of accrued leave to ensure that the staff member is paid during Parental Leave. If these forms of leave are exhausted before the staff member reaches the guaranteed period of paid Parental Leave, the University will provide additional supplemental paid leave to cover the balance.

The interim policy made several substantive changes to the nature of the benefit.

- Staff are now guaranteed twelve weeks of paid Parental Leave, up from eight weeks.
- Staff must still exhaust all accrued annual, personal, and holiday leave. However, they no longer have to use sick leave, which will remain available for use once staff return to work.

- Staff may use the benefit after six months of employment with the University, down from one year.
- Staff may use the benefit three times, up from two.
- In addition to birth or adoption, staff may now use Parental Leave for foster care or assuming legal guardianship of a child.
- Parental Leave must now be taken continuously, and is no longer available on an interim basis.
- Parental Leave may now be used within the six months preceding the arrival of a child or within the six months following the addition of a child to the family; previously, leave could only be taken in the six months following the arrival of a child.

## COMMITTEE WORK

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At its meeting on October 23, 2019, the Staff Affairs Committee met with a representative from University Human Resources (UHR) to discuss the changes in the interim policy. The committee learned that the state law mandating twelve weeks of parental leave went into effect in October 2018. While the USM and University policies were not updated until later the following year, UHR worked with employees who had taken Parental Leave after October 2018 to retroactively apply the benefit, which involved refunding leave that staff members would not have been required to use under the terms of the interim policy.

The committee considered whether staff should be allowed to use accrued sick leave in place of annual leave so as to preserve their annual leave. The Policy on Faculty Parental Leave and Other Family Supports permits faculty the discretion to use sick leave. The committee learned that staff can already use sick leave to care for a child within six months of the child's birth or adoption under the provisions of the USM Policy on Sick and Safe Leave for Nonexempt and Exempt Staff Employees ([VII-7.45](#)). Given this, there would be few circumstances where using sick leave under the terms of the Parental Leave benefit would be necessary or prudent. The committee determined not to recommend that staff be allowed to use sick leave in place of annual leave.

The committee considered how to gather feedback from staff who have used the benefit. In conjunction with UHR and the Faculty Affairs Committee, which was charged with assessing faculty experiences with Parental Leave, the Senate Office developed a short survey to provide an opportunity for respondents to share both positive and negative experiences with the policy and with Parental Leave. UHR distributed the survey to forty-six staff members, and received twenty-three responses. Nearly all of the respondents expressed gratitude for the ability to take twelve weeks with their child, and for the ability to retain their sick leave. A few respondents noted how valuable it would be if they could also retain some annual leave on their return, and several indicated that twelve weeks was inadequate.

Over the course of meetings in November and December, the Staff Affairs Committee discussed age limits referenced in the policy. The interim policy indicates that staff may use Parental Leave to support the adoption of a child under six years of age. The interim policy also indicates that the benefit can be used for "the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6)." While this language is included in the USM policy, that policy also gives each institution the discretion to establish limitations, including those associated with age limits. The committee noted that children older than six years of age who join a family may

need care just as much as younger children, particularly if they have experienced trauma or have special needs. The committee learned from UHR that no staff member has attempted to use the policy to adopt a child older than six years of age, though staff who were aware of the restriction may not have contacted UHR in such circumstances. The committee determined that while there might not be widespread interest in using the Parental Leave benefit to care for children older than six, there is no compelling reason to impose such a restriction, or to privilege certain parenting circumstances over others. The committee agreed to recommend that the age restrictions be removed, and that the benefit be available when adopting, fostering, or assuming legal guardianship of any child under the age of eighteen.

On January 17, 2020, the Staff Affairs Committee reviewed the survey responses. During its review, the committee discussed at length whether to recommend elimination of the provision that the benefit may only be used three times over an employee's service with the USM. Some felt that such a restriction implies a limit on the number of children that the University feels is appropriate. The committee learned from UHR that no staff member has attempted to use the benefit a fourth time or had attempted a third time under the previous policy. The committee considered whether this indicates that an increase is unnecessary, but noted that it is difficult to know whether staff who would have benefited from an additional use of the policy would have reported that need to UHR, given the limitations of the policy. The committee discussed the balance between the financial impact to the institution were the cap to be removed and the tremendous perceived value to those few staff members who would choose to utilize the benefit again. In considering that balance, the committee could not find evidence that an additional use of the benefit would have a significant positive impact on staff, and decided not to recommend a change. The committee also approved a series of additional revisions that were technical in nature.

After due consideration, the Staff Affairs Committee voted to approve the revised Policy on Staff Parental Leave and Other Family Supports at its January 17, 2020, meeting.

## **RECOMMENDATIONS**

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The Staff Affairs Committee recommends that the University of Maryland Policy on Staff Parental Leave and Other Family Supports be revised as indicated in the document immediately following this report.

## **APPENDICES**

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Appendix 1 — Charge from the Senate Executive Committee



## VII-7.49(A) UNIVERSITY OF MARYLAND POLICY ON STAFF PARENTAL LEAVE AND OTHER FAMILY SUPPORTS

(Approved by the President January 1, 2013; Amended and approved on an interim basis by the President September 19, 2019)

### I. Purpose & Eligibility Period

This policy is intended to support eligible staff in balancing professional and family demands during and after the addition of children to the family (by birth, adoption, foster parenting, and/or legal guardianship) through a combination of measures to promote a family-friendly environment. These measures include:

- a. a period of paid Parental Leave of twelve (12) work weeks;
- b. availability of lactation facilities.

The term “Parental Leave” is used in this Policy to refer to the entirety of the paid leave period available to eligible staff to care for children new to the family. Up to twelve (12) work weeks of Parental Leave is available through a combination of paid leave charged to a staff member’s accrued leave balance and/or Assured Parental Leave provided by the University.

Parental Leave shall be available on a continuous basis during a six (6) month period surrounding the addition of a child (or children) **under the age of eighteen (18)** to the family.

### II. Assured Parental Leave

Regular staff employees shall be assured a period of up to twelve (12) work weeks (i.e., sixty (60) continuous workdays, or 480 hours) of paid Parental Leave to care for a new child (or children), as follows:

- A. **Nature of Leave:** During the Parental Leave period, staff shall use any accrued and available annual leave ~~pursuant to USM BOR Policy VII 7.00 Policy on Annual Leave for Regular Nonexempt and Exempt Staff Employees~~; personal leave ~~pursuant to USM BOR Policy VII 7.10 Policy on Personal Leave for Regular Nonexempt and Exempt Staff Employees~~; observed holiday leave ~~pursuant to USM BOR Policy VII 7.30 Policy on Holiday Leave for Regular Nonexempt and Exempt Staff Employees~~; and/or discretionary paid administrative leave that is granted during the Parental Leave period for institutional closures. If none of these categories of leave is available to the employee, supplemental leave days (referred to as “Assured Parental Leave”)

shall be provided to the employee by the institution to attain the twelve (12) work weeks of paid Parental Leave. No institutional work-related duties are required of the staff member by the University while on Parental Leave.

**B. Interaction of Leave with the Family and Medical Leave Act (FMLA)**

All leave taken during the Parental Leave period (annual, personal, holiday, administrative, and/or Assured Parental Leave) shall run concurrently with any available FMLA leave (“FML”) per ~~Section IV of~~ USM ~~BOR~~ Policy VII-7.50 Policy on Family Medical Leave for Nonexempt and Exempt Staff Employees, if the staff member is also eligible for FML under USM ~~BOR~~ Policy VII-7.50. Both policies shall be administered concurrently.

**C. Applicability:** The twelve (12) work weeks of paid Parental Leave is available on a continuous basis during a six (6) month period surrounding either:

1. ~~T~~the birth of a child;
2. ~~T~~the recent placement of a child ~~under the age of six (6)~~ for adoption; or
3. ~~T~~the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child ~~under the age of six (6)~~.

**D. Eligibility:** Parental Leave applies to regular staff employees with appointments of ~~at least~~ 50% FTE or greater. Assured Parental Leave is available upon written affirmation that the staff member will be the child’s primary caregiver during the period in which Assured Parental Leave will be used.

1. Parental Leave shall be pro-rated for eligible part-time staff.
2. If a child’s parents are both employees of UMD, each may be eligible for paid Parental Leave up to the twelve (12) work week maximum, as follows:
  - a. ~~B~~both parents may ~~concurrently~~ use accrued annual, personal, and holiday leave ~~for to take~~ Parental Leave ~~at the same time~~; and
  - b. ~~if both parents are eligible for Assured Parental Leave, only one parent may use~~ ~~At the time that a staff member takes~~ Assured Parental Leave ~~at a time.~~, ~~after exhausting their own accrued annual, personal, or holiday leave,~~ ~~they~~ ~~The employee using Assured Parental Leave~~ must be acting as the child’s primary caregiver ~~at the time.~~ ~~In some cases, there will be two UMD parents eligible for Parental Leave.~~ Both UMD parents may ~~take use~~ Parental Leave simultaneously by alternating between the use of Assured Parental Leave and their own accrued leave, as long as both parents are not ~~using Assured Parental Leave on the primary caregiver for~~ the same day.
3. A regular staff member shall be eligible for Parental Leave after six (6) months of continuous employment with the institution.

4. A staff member shall be eligible for Parental Leave under this policy on one (1) occasion in a 12-month period, and up to three (3) separate occasions during the duration of their employment with the University System of Maryland (irrespective of job category). Any additional periods of Parental Leave require the approval of the President, or the President's designee.
5. The employee must have a satisfactory record of sick and safe leave usage and satisfactory work performance.
6. Parental Leave for staff must be used continuously; it is not available on an intermittent basis.

### **III. Supports for Nursing Mothers**

The University shall provide space at reasonable locations on campus where staff who are nursing mothers may breastfeed or express milk.

- A. The areas must be shielded from view and free from intrusion by others.
- B. A bathroom or restroom may not be designated as a lactation area.
- C. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
- D. The area shall be equipped with seating, a table or other flat surface, an electrical outlet, and nearby access to a sink.
- E. Staff who are not assigned an office or other private space should give advance notice to their supervisor or department head to request access to an area suitable for breastfeeding or expression of milk.
- F. The requirement for lactation facilities and their availability for the purpose of breastfeeding a child are subject to University policies governing the circumstances when children of employees may be present in the workplace.
- G. Staff may use current break and/or lunch periods for this purpose. Supervisors are encouraged to work with their staff who need support.

### **IV. Protections for Staff**

No staff member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, or other employment-related process as a result of utilizing the Parental Leave benefit and other supports provided under this policy.

### **V. Implementation**

- A. Staff must apply for Parental Leave by making a request to their supervisor or

department head using the institution's application form available from University Human Resources (~~[www.uhr.umd.edu](http://www.uhr.umd.edu)~~). To minimize hardship of the department/unit, staff should notify their supervisor or department head at least two (2) months in advance of expected use, including the anticipated date of birth or placement of a child for adoption, foster care, or legal guardianship.

- B. The supervisor or department head will review and forward the form to University Human Resources Office of Staff Relations for verification of eligibility and computation of available paid leave and Assured Parental Leave that may be granted to meet the twelve (12) work week paid Parental Leave period.

~~For assistance with this or any staff policy, please contact University Human Resources Office of Staff Relations at 301.405.0001.~~