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UNIVERSITY SENATE

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March 4, 2014

Mr. Vincent Novara
Chair, University Senate
1517B Clarice Smith Performing Arts Center
College Park, MD 20742-7011

Dear Mr. Novara:

I am writing on behalf of the Senate Staff Affairs Committee regarding Senate Document # 11-12-35, "Proposed Policy for Parental Leave for Staff." The Staff Affairs Committee was charged by the Senate Executive Committee (SEC) with reviewing a draft policy for parental leave for staff in March 2012. During the following months, many actions were taken on the part of the University to create and implement a policy for parental leave for staff. The purpose of this letter is to update the SEC on the outcome of this charge, so that the Senate bill may be closed.

During late spring 2012, the Staff Affairs Committee created a subcommittee to work on this charge. Per the guidelines in the charge, the subcommittee reviewed the draft policy, researched policies from peer institutions, consulted with University Staff Relations, University Human Resources (UHR), ADVANCE, and the Senate Faculty Affairs Committee to ascertain what would be best to recommend for the University. Work was conducted during the summer, at which time I was appointed as Chair of the Staff Affairs Committee.

On June 22, 2012, the Board of Regent's (BOR) approved and published a USM Policy on Parental Leave and other Family Supports for Staff ([VII-7.49](#)). USM institutions were given until September 1, 2012 to ensure that eligible employees had access to parental leave under the newly-established policy. UHR was identified as the primary department on the College Park campus responsible for making the necessary changes in order to implement procedures that would allow our regular staff employees to have access to the USM policy. USM institutions were mandated to complete implementation of all other requirements of the policy by no later than December 31, 2012.

Throughout the fall of 2012, the Staff Affairs Committee was kept abreast of the developments regarding a campus policy on staff parental leave and other family supports for the University, to comply with the new USM policy. As Chair, I was able to facilitate a channel of communication between the committee and UHR. UHR created a University of Maryland Policy on Staff Parental Leave and Other Family Supports ([VII-7.49\(A\)](#)), which was approved by the President, effective January 1, 2013.

It was explained to the Staff Affairs Committee that the American Federation of State, County, and Municipal Employees (AFSCME) approved of the specifics of the policy, and any further changes for a UM policy would have to be bargained with the union.

During spring 2013, the Staff Affairs Committee discussed its options for moving forward on its charge in light of the progress made by UHR to institute a new policy. The committee considered reviewing the policy to recommend changes specifically for staff who are not covered by the bargaining unit, but decided against this course of action, as the committee felt the policy should continue to cover all staff members equally. The committee also considered developing ideas for changes to the policy that could be recommended to UHR for future bargaining sessions, but was unable to identify any such recommendations. The committee instead agreed to accept UHR's campus policy as written.

The committee does not wish to recommend any changes to the campus policy at this time. Therefore, we respectfully request that this item of legislation be closed.

Sincerely,

Carolyn Trimble
Chair, University Senate Staff Affairs Committee

Enclosure(s):

- VII-7.49(A) University of Maryland Policy on Staff Parental Leave and Other Family Supports
- VII – 7.49 USM Policy on Parental Leave and other Family Supports for Staff
- Charge from the Senate Executive Committee on Proposed Policies for Parental Leave for Staff

Cc: Reka Montfort, Director, University Senate

CT/cb

VII-7.49(A) UNIVERSITY OF MARYLAND POLICY ON STAFF PARENTAL LEAVE AND OTHER FAMILY SUPPORTS
(Approved by the President, Effective January 1, 2013)

I. Purpose

This policy is intended to support eligible staff in balancing work and family demands during and after the birth or adoption of a child through measures to promote a "family-friendly" environment.

II. Assured Minimum Parental Leave

Each eligible staff employee shall be assured a period of up to eight (8) work weeks (i.e., 40 continuous workdays) of paid parental leave to care for a new child, as follows:

- A. **Nature of Leave:** The parental leave assurance shall consist of the combination of accrued and available sick leave, annual leave, personal leave, holiday leave, advanced sick leave, extended sick leave, and leave from the USM Leave Reserve Fund, pursuant to applicable USM policies. If and when these paid leaves are exhausted, this parental leave will be supplemented as necessary by the institution with additional paid leave to attain the eight-week assurance.
- B. **Applicability:** The eight (8) week paid leave assurance will be available for the six (6) month period following:
 - 1. The birth of a newborn;
 - 2. The recent placement of a child for adoption under the age of six (6).
- C. **Eligibility:** The paid parental leave assurance applies to regular staff employees with appointments of at least 50% FTE, upon written affirmation that the staff member will be the child's primary caregiver during the parental leave period.
- D.
 - 1. Leave shall be pro-rated for eligible part-time staff.
 - 2. Use of paid parental leave does not require the staff person to submit medical documentation or proof of placement of a child for adoption.
 - 3. If a child's parents are both employees of UMD, both may be eligible for paid parental leave up to the eight (8) week maximum, as follows:
 - a. Both parents may use accrued annual, sick, personal, holiday, advanced sick, extended sick, and leave reserve fund concurrently with the birth of a child or placement of a child under the age of six (6) for adoption.
 - b. A staff parent may use additional guaranteed paid leave under this policy only during a period when that parent is acting as the child's primary caregiver.
 - 4. To be eligible for parental leave, a regular staff member must have been employed by the institution for one (1) year.

5. A staff member may be eligible for paid parental leave under this policy on one occasion in a 12-month period, and for a maximum of twice during their employment with the University System of Maryland (irrespective of job category).
6. The employee must have a satisfactory record of sick leave usage and satisfactory work performance.

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 person 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 and other supports provided under this policy.

V. Implementation

- A. Staff must apply for parental leave by making a request of their supervisor or department head using the institution's application form available from University Human Resources (www.uhr.umd.edu). The form includes the primary caregiver affirmation statement. 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 of the child or adoption.

- B. The supervisor or department head will review and forward the form to University Human Resources for verification of eligibility and computation of paid leave available, and supplemental paid Parental leave that may be granted to meet the eight week assurance.
- C. *For assistance with this or any staff policy, please contact University Human Resources Office of Staff Relations at 301.405.0001.*

**VII—7.49 Policy on Parental Leave and other Family Supports for Staff
(Approved by the Board of Regents, June 22, 2012)**

I. Purpose

This policy is intended to support USM staff in balancing professional and family demands during and after the birth or adoption of a child through measures to promote a “family-friendly” environment on each USM campus. These measures include the establishment of a minimum assured period of paid parental leave of eight (8) weeks and the availability of lactation facilities on each campus.

II. Assured Minimum Parental Leave

Each eligible staff employee shall be assured a period of up to eight (8) weeks (i.e., forty work days) of paid parental leave to care for a new child, as follows:

- A. **Nature of Leave:** The parental leave period will consist of any form of annual, sick, personal, holiday or leave reserve fund leave accrued or otherwise available to the employee under USM policies, to be supplemented as necessary by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave.

- B. **Applicability:** The eight (8) week paid leave assurance will be available during a six (6) month period surrounding:
 - 1. The birth of a newborn;
 - 2. The recent adoption of a child under the age of six (6); and
 - 3. At the discretion of the institution’s President or designee and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).

- C. **Eligibility:** At a minimum, the paid leave assurance will apply to regular staff employees, upon written affirmation that the employee will be the child’s primary caregiver during the parental leave period.
 - 1. Institutions may offer assured minimum paid leave to other categories of staff as a matter of institution policy.
 - 2. Leave shall be pro-rated for eligible .50 or greater Full Time Equivalent staff.
 - 3. If a child’s parents are employed by the same institution, both may be eligible for paid parental leave up to the eight (8) week maximum as follows:
 - a. Both parents may use accrued annual, sick or personal leave concurrently with the birth of a child or adoption of the child under age six (6);
 - b. A parent may use additional guaranteed paid leave under this policy only during a period when that parent is the child’s primary caregiver.

4. A staff employee shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit a lesser eligibility period.
5. A staff employee may be eligible for paid parental leave under this policy on one occasion in a given 12-month period, and on two separate occasions during the duration of the staff member's employment within the USM. Any additional periods of paid parental leave require the approval of the President, or the President's designee.
6. The employee must have a satisfactory record of sick leave usage and work performance.

III. **Supports for Nursing Mothers**

- A. **Lactation Facilities:** Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may breastfeed or express milk.
 1. The area must be shielded from view and free of intrusions from others.
 2. A bathroom or restroom may not be designated as a lactation area.
 3. 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.
 4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
 5. The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which children may be present on campus.
- B. **Break Time for Nursing Mothers:** The schedule of a staff employee who is a nursing mother shall allow for reasonable break time during work hours for the purpose of breastfeeding or expressing milk.
 1. Employees shall be permitted to use current paid break and unpaid lunch times to breastfeed or express milk.
 2. Supervisors shall work with employees who need additional break time for this purpose to provide for the flexible scheduling of additional unpaid break time.

IV. **Protections to Staff Employees**

No employee 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 and other supports provided in this policy.

V. **Implementation**

This policy shall be implemented as follows:

- A. **Parental Leave:** Eligible employees shall have access to parental leave under this policy as of September 1, 2012.

- B. **Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.



University Senate CHARGE

Date:	March 22, 2012
To:	Steven Petkas Chair, Staff Affairs Committee
From:	Eric Kasischke  Chair, University Senate
Subject:	Proposed Policies for Parental Leave for Staff
Senate Document #:	11-12-35
Deadline:	December 31, 2012

The Senate Executive Committee (SEC) requests that the Staff Affairs Committee review the attached draft policy for parental leave for staff and make recommendations on whether the draft policy is appropriate.

The University System of Maryland has been considering parental leave for faculty and staff. As the flagship campus of the USM, our University is leading the initiative by crafting policies for our campus. Based on an initiative stemming from faculty members working on the ADVANCE grant, the University's Policy Review Committee of the Office of Faculty Affairs has been instrumental in shaping these draft policies. The attached proposed policy addresses paid parental leave for staff. The SEC requests that the Staff Affairs Committee review the proposed new policy to determine whether it is appropriate.

Specifically, we ask that you:

1. Review similar policies for parental leave at our peer institutions.
2. Consult with the University's Staff Relations Office to discuss whether these policies align with the University's collective bargaining agreements.
3. Consult with representatives from the University's Human Resources Department about current policies and the impact of the proposed policy.
4. Consult with the Senate's Faculty Affairs Committee to ensure uniformity between policies for faculty and staff.
5. Review whether the proposed new policies align with the USM Policy.

6. Review whether additional UMCP policies must be amended to accommodate the new policies.
7. Consult with the University's Office of Legal Affairs.
8. If appropriate, recommend whether the proposed policies should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than December 31, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Parental Leave for Exempt and Non-Exempt Staff Members

This policy applies to University Exempt and Non-Exempt staff members on Regular status who have been at the University for at least twelve months, and who are appointed on at least a 50 percent basis.

Paid Parental Leave

Eligible staff are entitled to receive paid Parental Leave of up to 30 days (6 work weeks) in connection with the birth of the employee's child or placement of a child younger than age 5 with the employee for adoption or foster care. Parental leave is available to eligible staff within the first twelve (12) months following the birth or placement of a child for adoption or foster care. During the 6 weeks of paid Parental Leave, no duties will be required by the University.

Parental leave is available to both male and female parents and not just the birth mother. A birth mother also may be eligible to use sick leave in the event of medically documented complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and the recovery from childbirth. Use of sick leave shall not diminish the amount of parental leave to which the parent is entitled. Use of parental leave does not require the employee to submit medical documentation.

When both parents have regular employee status at the institution, each one shall be entitled to a separate, individual, maximum period of parental leave. The amount of leave for which one parent may be eligible, or the amount of leave used by one parent shall not limit or enhance the leave amount or the leave usage of the other parent. Parents shall be entitled to take leave in succession or simultaneously as long as simultaneous leaves do not substantially disrupt the department or unit of which the employees are a part.

In order to take advantage of this policy, the employee must notify immediate supervisor, at least two months in advance of the date of expected use. Notice should include the projected date of birth of the child or the expected date of the child's placement through adoption or foster care.

Other policies that may be relevant to regular exempt and non-exempt staff pertaining to the birth or adoption of a young child are referenced below:

VII-7.00 Policy on Annual Leave for Administrative and Classified Personnel

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII700.html>

VII-7.01 Policy on Annual Leave for Regular Exempt Employees

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII701.html>

VII-7.10 Policy on Personal Leave for Regular Exempt Employees

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII710.html>

VII-7.11- Policy on Leave Reserve Fund for Exempt and Nonexempt Staff Employees on Regular Status

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII711.html>

VII-7.12 Policy on Leave of Absence Without Pay

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII712.html>

VII-7.45 Policy on Sick Leave

<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII745.html>

VII-7.50 Policy on Family and Medical Leave for Exempt and Nonexempt Staff Employees

<http://www.president.umd.edu/policies/docs/VII-750.pdf>

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