

MAR 29 2013

UNIVERSITY of HOUSTON  
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

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SECTION: Human Resources  
AREA: Benefits

Number: 02.02.02

SUBJECT: Parental Leave (Interim)

I. PURPOSE AND SCOPE

This policy has been established to comply with the Parental Leave provisions of the State General Appropriations Act. The policy prescribes the leave benefits available to all faculty and staff employees who meet the eligibility requirements defined in section III of the policy.

II. POLICY STATEMENT

The State of Texas extends the leave benefits of the Federal Family and Medical Leave Act for the following qualifying events to employees who have worked for a period of less than 12 months for the State of Texas and fewer than 1,250 hours for the University of Houston. These employees are not, therefore, eligible for family and medical leave. Leave taken for these events must be reported as parental leave:-

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

The 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 of family and medical leave are entitled to benefits under MAPP 02.02.01, based on length and hours of employment.

III. DEFINITIONS

A. Child: For the purposes of parental leave, a biological, adopted, or foster child under three years of age.

B. Eligible employee: Any employee who:

- Has worked for the State of Texas for a period of time less than 12 months; and
- Has fewer than 1,250 hours actually worked for the University of Houston in the 12 months immediately preceding the qualifying leave.

Note: An employee in a position in which he or she is required to be a student as a condition of employment is NOT eligible.

C. Year: Twelve months measured forward from the first date parental leave begins.

Other applicable definitions may be found in MAPP 02.02.01, Family and Medical Leave.

## IV. PROVISIONS

- A. 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 university rules and regulations governing the use of sick leave (UH System Administrative Memorandum 02.D.01). The employee ~~may must choose to use~~ accrued compensatory time, instead of unpaid parental leave, ~~but may not be required to do so~~. Any Fair Labor Standards Act (FLSA) compensatory time (1.5) taken may ~~not~~ be counted against the employee's 12-week parental leave entitlement.
- B. Employees with less than six months of continuous employment with the State of Texas are not eligible to take vacation.
- C. A leave of absence extends the probationary period of employment.
- D. Parental leave may start no earlier than the date of birth of a natural child or adoption or foster care placement of the child.
- E. Except under the conditions outlined in MAPP policy 02.02.01, employees returning from approved parental leave must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
1. An employee offered an equivalent position who chooses to decline the position waives any rights to reinstatement.
  2. An employee who believes that a position offered is not an equivalent position is entitled to file a grievance under the University of Houston Grievance Policy and Procedure, MAPP 02.04.01.
- F. Other provisions relating to leave for birth, adoption, or foster care of a child under family and medical leave apply also to parental leave. Those provisions may be found in MAPP 02.02.01.

## V. APPLYING FOR PARENTAL LEAVE

- A. All requests for parental leave must be submitted on the Application for Family and Medical Leave prescribed by the Human Resources Department and accompanied by the written statement certified by the health care provider. The required forms are available in ~~the Benefits section~~ the HR Service Center of the Human Resources Department as well as on the HR Web site (<http://www.uh.edu/admin/hr/resources/hrforms.htm>). "Request for Parental Leave" should be noted at the top of the application form.
- B. The employee is responsible for submitting both required forms to ~~his/her supervisor~~ Human Resources the HR Service Center at least 30 calendar days in advance of the leave where possible. ~~The supervisor must in turn ensure that the forms are forwarded to the Human Resources Department within three days of receipt. The employee is also responsible for submitting the physician's certification document to the Human Resources Benefits section. The department does not view the physician's certification and, the employee is responsible for informing the his/her department of the request, and Human Resources will confirm its the request's receipt with the employee's department.~~
- C. Full information must be provided as outlined in MAPP 02.02.01.



- D. To request leave based on the adoption or placement of a child, a copy of the legal orders of adoption or placement is required.

VI. INSURANCE PREMIUM BILLING

- A. When parental leave is without pay, provisions related to the procedures to be followed for insurance premium billing under family and medical leave (~~section~~ Section VI of MAPP 02.01.01) are the same for parental leave, except that the ~~eElectronic personnel~~ Personnel action ~~Action request~~ Request (ePAR) shall indicate "Parental Leave" in the "Remarks" section.
- B. The ~~Benefits section of the Human Resources Department~~ Employee's Retirement System of Texas (ERS) must be contacted within 30 days of the birth/adoption/placement to include the new baby/child in the employee's insurance coverage either by telephone or online at <http://www.ERS.state.tx.us>. - Registering the new child in ERS can also be accomplished online at <http://www.ERS.State.Tx.Us>.

VII. EMPLOYEE REPORTING REQUIREMENTS

The employee requirements for reporting parental leave are the same as those outlined in ~~section~~ Section VII of MAPP 02.02.01 for family and medical leave.

VIII. EMPLOYEE REQUIREMENT FOR RETURN TO WORK

- A. Upon return to work, an employee who has been on approved leave for equal to or more than three days based on the employee's serious health condition (i.e. childbirth) will be required to present to the supervisor a doctor's release certifying fitness to return to work. This requirement does not apply to the father or adoptive-/foster parent taking parental leave.
- B. A request to return to duty with restrictions will be considered on a case-by-case basis, based on the needs of the department and the essential functions of the job.

IX. RECORD KEEPING

Record keeping requirements for parental leave are the same as those for family and medical leave as outlined in ~~section~~ Section IV of MAPP 02.02.01, except that leave should be designated as parental leave on all payroll documents.

X. REVIEW AND RESPONSIBILITIES:

Responsible Party: Associate Vice President for Finance

Review:            Every 3-three years, on or before August 31

XI. APPROVAL

Jim McShan Carl Carlucci  
~~Interim Executive~~ Vice President for Administration and Finance

Renu Khator  
President

Date of President's Approval: April 7, 2008 November 1, 2012

Interim Due Date for Review: February 13, 2013

XII. REFERENCES

State General Appropriations Act  
Employee's Retirement System of Texas (ERS)  
Fair Labor Standards Act (FLSA)  
Federal Family and Medical Leave Act  
MAPP 02.02.01 – Family and Medical Leave  
MAPP 02.04.01 – Employee Grievances  
SAM 02.D.01 – Vacation and Sick Leave

**REVISION LOG**

Revision Number	Approved Date	Description of Changes
1	12/12/1997	Initial version (Documentation was split into a Policy and a Procedure)
2	04/07/2008	Applied revised MAPP template to meet current documentation standards. Combined Policy and Procedure into one document. Added sections describing the application, insurance premium billing, and employee reporting and return-to-work requirements for parental leave
Interim	11/01/2012	Applied revised MAPP template and added new Revision Log. Added note for Section III.B regarding employees with student status as condition of employment are not eligible for this program. In Section IV.A, the employee must use accrued compensatory time, instead of unpaid parental leave. In Section V.A, changed the location of obtaining the FML forms to the HR Service Center. In Section V.B, added the responsibility for the employee to submit physician's certification and FML form to the HR Benefits Section. In Section VI.B, changed the insurance coverage contact to the Employee's Retirement System of Texas (ERS). Added Section XII, References
<u>3</u>	<u>TBD</u>	<u>This MAPP is being submitted for a complete review cycle and approval to remove the Interim designation</u>