

Staff Council Response

MAPP 02.02.02 – Parental Leave

- II. why only under three years? seems like any adopted child would want more than its parents vacation time to get close to its new parents... (This is a federal guideline which states: “Sick leave may be used in conjunction with FML when a child under the age of 3 is adopted, regardless of whether the child is ill at the time of adoption.”)
- IV.D. why is this different from MAPP 02.02.01? I believe in that one leave can begin before the child is born (presumably for health related reasons?) (Parental leave is only for birth of a child, adoption or foster care placement of a child under the age of three.)
- V.B. why is this section not in MAPP 02.02.01 [I believe]? These seem to be logical inclusions. It is there Section V.A and VI

MAPP 02.02.01 - FML

- II.A.3 - this is too narrow a definition of which family members we can take time off for; I can think of a number of scenarios in which other close relatives have no one else to care for them and we wouldn't be allowed to take time off to do so.. (There could always be situations that need

case-by-case review. These eligibility examples were provided by the Federal guidelines.)

- II.A - I realize that the 26 weeks for service members is because a federal law allowed for this; does a federal law *prohibit* up to 26 for others? If not, I would say that there is a law that allows for 26 weeks, acknowledges some illnesses may be so serious that it requires that much time; it follows human beings who are nonservice members also experience illnesses so severe to require 26 weeks of time being cared for by family, no? i.e. if we are allowed to raise the limit from 12 to 26 for non-service members, I would do so. (The limit from 12 weeks to 26 weeks is only for military service members. We are not allowed to raise the limit for non-military circumstances. However, employees with leave available to them are usually allowed to exhaust their leave before being considered for termination due to an inability to return.)
- II.B - not giving criteria for "in certain cases" means it may not be applied consistently (though may allow for leniency to benefit of staff member); though, does this relate to the FMLA citation in IV.B.? Even if yes, I would then recite it in II.B. so anyone can see the relation and

look up what they're eligible for **(Impossible to list "all cases.")**

- III.D. - not giving criteria for "extended period of time" means it may not be applied consistently (though may allow for leniency to benefit of staff member)
- IV.B. - how would the staff prove that they have "attempt[ed] to schedule the leave so as not to disrupt the University's operations"? (a protection for the employer) **(This would be discussed on a case-by-case basis as there are a variety of ways one can work with their supervisor.)**
- IV.C. - if the employee uses all sick time for this leave, and then gets sick, what happens? do they just take days off, protected but without pay? **(If an employee is out on FML beyond their leave balances, the leave is protected even though it might be without pay. Depending upon the condition, the employee might qualify for sick leave pool or extended sick leave.)**
- IV.D. - if I am reading correctly, this means that the second paragraph negates the first, unless the mother is sick; if I am reading that correctly, that's a bit unfair to men .. what if the mother wants to return to work immediately, but the father is okay with taking off time to care for the newborn? if I am reading that correctly, that isn't possible under this. I guess I should say, not only unfair to men, but also not getting the

best value necessarily for the University, considering the potential value of the woman's time at work. Additionally, what if it's a gay male couple? neither of them can take off for "placement" of the child? or a lesbian couple - both of them can take off because neither are "fathers" ? OR, does this mean that the "father" can take off but use vacation time instead of sick time? a bit confused. (Physician's require the new mothers to have care for the first 2 weeks after birth. Fathers receive this notice from the mother's physician which will provide them with 2 weeks of FML utilizing sick leave. Additional time can be granted in the event the mother or child is ill.)

- IV.J - there is a typo in this sentence, re-read. Also, what about those with less than two years of service? (corrected)
- V.C. - seems like the process of telling HR instead of the employee's supervisor is probably intended to protect the employee, but ultimately may make supervisors mad, which ultimately may not protect the employee. I don't have a solution here ... maybe training for managers on these policies and the University's value of these protections? Additionally, the word "notice" is confusing .. notices aren't usually submitted "for completion;" maybe you mean "request form" or "application" ? Finally, there is a subject-possessive pronoun agreement problem in the

second paragraph - "their" (plural) cannot go with a (singular) employee; change one of them?
(corrected)

- VI.B.1.a. - there is a subject-verb agreement problem - "leaves" (plural) cannot go with "is" (singular) - perhaps change to "are?" (corrected)
- VI.C.1 - this doesn't go against at least the spirit of HIPPA? seems like it might be humiliating for some, and some might not want their families medical history to be filed with a public university or their employer, specifically (The certification document is required to justify the FML request. It is kept separate from permanent records.)
- VII.B.2 - this may make sense from a business standpoint, and is counterintuitive from a staff care standpoint; perhaps insert something like "if we try x times and x ways to contact the staff member and no response, and if it's late by x days, then we reduce blah blah," but if the payment is late and the person says "yes I am spending all my money to care for my sick relative and yes I still need coverage for myself, can I pay you once I am getting paid again [if on unpaid leave] / at x date [when I anticipate my family member will recover and medical bills will decrease," seems like a payment plan should be able to be worked out; otherwise, why kick someone when they're low? .. (ERS procedure)

- VIII.F. "equivalent" is unclear .. could the duties be totally different? (equivalent as taken from the statutes. This takes into consideration compensation and responsibilities.)
- VIII.G.4 please define or clarify or give an example as to what would consist "result in substantial economic injury to the university;" frankly I don't know how many people (or who) are in this category of top ten percent of earners, but I would think they still deserve a checks and balance against the "president" - HR want to get to have a say here? or at least, if the are eligible for some kind of firing package, then, or some other assistance in finding a job elsewhere?