

Title: Parental Leave Policy

Policy Administrator: Director of Human Resources

Effective Date: September -01-2018

Approved by: Director of Human Resources

Purpose:

To support new parents by providing parental leave in connection with the birth or adoption of a child as further described in this policy.

Policy:

1.0 Eligibility; Unpaid and Paid Leave Entitlements.

The College provides parental leave for employees related to the birth, the placement for adoption of a child under the age of 18, and/or the placement for adoption of a child under the age of 23 if the child is mentally or physically disabled as described in this policy. With respect to a birth of a child, the parental leave provided in this policy must be taken immediately prior to or after the birth of the child but not substantially earlier or later.

- a. **Unpaid Leave.** All full-time employees who have completed the Introductory Period (as described in Holy Cross & You Section 4.9; not to exceed 90 days) and who give at least two (2) weeks' notice (or as soon as practicable) and notice of intention to return, are eligible for eight (8) weeks of unpaid leave.
- b. **Paid Leave and Additional Unpaid Leave.**
 - (i) **Primary Caregivers.** A "primary caregiver" is the parent of a newborn or newly adopted child who is the primary individual providing care for such child at least a majority of the time during the time that the individual is absent from work on leave. An employee who (1) meets the service eligibility criteria for leave under the Family Medical Leave Act (FMLA) Policy, (2) affirms that he or she is the primary caregiver for the child, and (3) gives at least two (2) weeks' prior written notice (or as soon as practicable) of the expected departure date and notice of intention to return to the job, is eligible for:

- A. Up to eight (8) weeks paid leave (which runs concurrently with the unpaid leave entitlement under Section 1(a) above); and
 - B. Additional unpaid leave under the FMLA policy (typically up to an additional four (4) weeks of unpaid leave with additional leave possible as described in Section 6.0 below).
- (ii) **Non-Primary Caregivers**. An employee who is not the primary caregiver for the child and (1) meets the service eligibility criteria for leave under the FMLA Policy, and (2) who gives at least two (2) weeks' prior written notice (or as soon as practicable) of the expected departure date and notice of intention to return to the job, is eligible for:
 - A. One week of paid leave (which runs concurrently with the unpaid leave entitlement under Section 1(a) above); and
 - B. Additional unpaid leave under the FMLA policy (typically up to an additional eleven (11) weeks of unpaid leave with additional leave possible as described in Section 6.0 below).

2.0 Multiple Children

Upon the birth or placement for adoption of more than one child, the above described leave benefits apply for each incidence of childbirth or placement for adoption (e.g., in the case of twins, 16 weeks of leave (8 weeks for each child, serially)).

3.0 Both Parents are College Employees

If both parents are eligible employees of the College, the above described leave benefits are split between the parents. For employees who do not meet the eligibility requirements for leave under the FMLA Policy, no more than a combined total of eight (8) weeks of unpaid leave for a single child may be taken. For employees who meet the service eligibility criteria for leave under the FMLA Policy, no more than a combined total of twelve (12) weeks leave may be taken, of which no more than eight (8) weeks of paid leave in the aggregate will be provided.

4.0 Concurrency with Other Leave; Use of Paid Time Balances During Unpaid Leave

- a. Leave granted under this policy will run concurrently with (i.e., also be counted towards) FMLA leave for the purpose of caring for a newborn, a newly adopted or newly placed foster child, and any other applicable leaves, to the extent allowed by law.

- b. An employee eligible for unpaid leave may use applicable accrued and unused paid time balances to be paid for all or part of the parental leave.

5.0 Non-Working Time

The parental leave is not extended by periods when the employee would otherwise not be working. For example, for employee's with less than year round appointments (9 months, 10, months, etc.):

- If the birth of the child occurs four (4) weeks before the end of an employee's appointment period, the leave would be for four (4) weeks – the appointment period is not extended;
- If the birth of the child occurs outside of the employee's appointment period, the eligible parental leave would be reduced by the amount of time between the child's birth and the date of the resumption of the employee's appointment period.

Likewise, the paid period is not extended by the occurrence of any holiday that falls within the eight weeks from the time of birth.

6.0 Additional Leave

- a. At the end of the parental leave period, an employee may be eligible for additional leave under the FMLA Policy or as a reasonable accommodation where appropriate. After the exhaustion of all leave under this policy and the FMLA Policy, if the employee needs to continue on leave, the Office of Human Resources may approve an additional unpaid leave. During that additional leave, an employee may use applicable accrued and unused paid time balances to be paid for all or part of the additional unpaid leave.
- b. Please see the FMLA policy for available unpaid leave and eligibility requirements for employees in connection with a newly placed foster child, prior to the birth of a child, and to care for a child with a serious health condition and other reasons.

7.0 Requesting Leave

An employee requesting leave under this policy should complete the *Employee Application for Parental Leave* (APPENDIX A of this Policy). As the leave is foreseeable, employees are requested to provide as much advance notice as possible to their supervisor and Human Resources. The request should be made at least two weeks prior to the anticipated leave date to allow for planning of coverage in the employee's department or as soon as practicable if the delay in making the request is for reasons beyond the employee's control. Anticipated leave date does not mean "exact" date. For example, an employee who gives birth prior to the anticipated leave date is entitled to start the leave earlier than was anticipated. Please refer to the FMLA policy for more information regarding leave procedures.

APPENDIX A

**COLLEGE OF THE HOLY CROSS
Employee Application for Parental Leave**

Name: _____ Hire Date: _____

Position: _____ Date of Request: _____

Department: _____ Phone: _____

Anticipated Birth/Adoption Date: _____

Anticipated Date of Placement of Foster Child: _____

Definitions:

Introductory Period: As defined in Holy Cross & You, Section 4.9; not to exceed 90 days.

Primary Caregiver: The parent of a newborn or newly adopted child who is the primary individual providing care for such child at least a majority of the time during the time that the individual is absent from work.

Please check applicable boxes and then confirm your affirmations with your signature:

1. I am requesting parental leave for the (choose one):

- Birth of a newborn child
- Adoption of a newly adopted child
- Placement of a child for foster care

2. Attestations (choose all that apply):

- I affirm that I have completed my Introductory Period.
- I am the parent of this newborn/newly adopted child.
- I affirm that I intend to return to work at the College at the expiration of my leave.
- Both parents of the child are eligible employees of the College

3. Primary or Non Primary Caregiver Attestation (choose one, if eligible for FMLA):

I affirm that I will be the Primary Caregiver during the requested leave. As the Primary Caregiver, I am requesting _____ weeks of paid leave [not to exceed 8 weeks per birth/adoption] in connection with the care of a newborn child or child newly placed for adoption. I understand that this request is subject to my meeting the service eligibility requirements of the College’s Family Medical Leave Act Policy.

I will not be the Primary Caregiver (Non Primary Caregiver). I am requesting a one week of paid leave in connection with the care of a newborn child or child newly placed for adoption. I understand that this request is subject to my meeting the service eligibility requirements of the College’s Family Medical Leave Act Policy.

4. Unpaid leave

I request unpaid leave of _____ weeks.

- If you do not meet the service eligibility requirements of the College’s Family Medical Leave Act Policy, the unpaid leave request may not exceed 8 weeks.
- If you meet the service eligibility requirements of the College’s Family Medical Leave Act Policy, you are eligible for additional unpaid leave under FMLA after eight weeks of parental leave expires. The aggregate amount of paid leave requested above and unpaid leave typically will not exceed available leave under the College’s Family Medical Leave Act Policy [an aggregate of 12 weeks of leave, including paid and unpaid leave].
- Accrued but unused vacation, sick or personal time may be applied to the unpaid portion of an FMLA leave.

5. Employee Acknowledgements:

I have notified my supervisor that I am filing for Parental Leave.

I understand that if I meet the service eligibility requirements for FMLA, the College will designate an FMLA leave to run concurrent with an approved Parental Leave.

I understand that any deliberate misrepresentations made in this application are punishable pursuant to the College’s policies regarding misrepresentations by employees.

I certify that all of the statements made herein are true and accurate to the best of my knowledge and belief.

Employee Signature

Print Name

Date