



Delaware State University

University Area(s) Responsible: Office of Human Resources

Policy Number & Name: 04-46 Parental Leave

Approval Date: 8-12-2019

Revisions: _____

I. Purpose

Delaware State University is committed to helping staff and faculty balance the demands of parentage for newly born or adopted children into the family with professional responsibilities. Parental Leave is provided to an eligible employee, following a birth or adoption of a child, in recognition of the importance of work/life balance and offering parents the opportunity to have quality time with their new child.

Scope and Applicability

This policy is applicable to eligible full-time employees upon the birth or adoption of a child six (6) years of age or younger. This policy will be in effect for births and legal adoptions of children six (6) years of age or younger, occurring on or after the effective date of this policy.

II. Definitions

- **Calendar Week** – An employee's regularly scheduled hours within the seven (7) day period that does not include overtime. Holidays or Severe Weather Conditions and Emergencies declarations occurring during a week when Parental Leave is taken will not extend the Parental Leave time.
- **Eligible Employee** – Any full-time employee who has been employed with the University full-time for at least 12 continuous months as of the date of the birth of his/her child or as of the date of the adoption of a child six (6) years of age or younger.
- **Family and Medical Leave Act (FMLA)** – is a Federal law that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family

and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

- **Full-time** – An employee who works a 35 or 40 – hour week, or other equivalent allowed under the Federal Labor Standards Act and approved by the University.
- **Multiple Births/Adoption** – More than one infant born from the same pregnancy; more than one child six (6) years of age or younger adopted on the same adoption date.
- **Parent** – An employee who is the legal parent of a newborn or newly adopted child six (6) years of age or younger as it appears on a legal document.
- **Parental Leave** – 12 calendar weeks of leave for the purposes of caring for or bonding with a newborn or caring for or bonding with a newly adopted child six (6) years of age or younger.
- **Short-Term Disability (STD)** – A State program that entitles employees enrolled in the Disability Insurance Program (DIP) with partial income replacement for up to 182 calendar days should the employee become disabled due to a covered accident, sickness, or pregnancy.

III. Policy

It is the policy of Delaware State University that all eligible employees are entitled up to twelve (12) consecutive weeks of parental leave upon the birth or adoption of a child six (6) years of age or younger. Parental Leave under this policy runs concurrently with the Family and Medical Leave Act (FMLA) and Short-Term Disability (STD) benefit, as applicable.

During periods of Parental Leave, employees must use all eligible, accrued sick leave, personal leave, and thereafter must use accrued vacation time to remain in paid status.

The entitlement to Parental Leave shall expire at the end of the 12-month period beginning on the date of such birth or adoption.

An employee shall be eligible for Parental Leave even if the employee exhausted his/her FMLA time consistent with the law covering FMLA. If an employee becomes eligible for FMLA while on Parental Leave, the employee must apply for and use FMLA.

Multiple births or adoptions do not increase the length of Parental Leave.

At the conclusion of Parental Leave, the University shall restore the eligible employee to the same or equivalent position, barring any unforeseen circumstances unrelated to the employee taking leave (i.e., workforce reduction).

All benefits (healthcare, dental, vision, life insurance, long-term disability insurance and retirement/state pension) continue while an employee is on leave and in a paid status.

Employees who have exhausted accrued sick leave, vacation and personal leave may take the remainder of their 12 weeks or parental leave on an unpaid basis.

Employees have a right to be free from discrimination in relation to pregnancy, childbirth, and related conditions, including the right to reasonable accommodation to known limitations related to pregnancy, childbirth, and related conditions. (Upon verification from the employee's medical provider).

IV. Procedure

To apply for Parental Leave, an eligible employee shall:

1. Notify and discuss with the employee's immediate supervisor and the Office of Human Resources in writing his/her request for Parental Leave at least thirty (30) days in advance of the birth or adoption of a child. If thirty (30) days is not possible, the employee must notify the University the same or the next business day after the employee learns of the need for leave.
2. If both parents are employed by the University each parent must request coverage under this policy.
3. Legal documentation of birth or adoption of a child must be provided within thirty (30) days of the birth or adoption or as soon as it becomes available to the Office of Human Resources. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Examples of legal documents establishing paternity, or a legal document establishing adoption are: a report of birth, a birth certificate, an adoption order. The legal documents provided shall show the date of birth or date of adoption, age of child at the time of adoption, and the name of the parents. Situation where a legal document cannot be provided within thirty (30) days of birth will be considered on a case by case bases.
4. The Office of Human Resources will provide the requesting employee acknowledgement of receipt of the Parental Leave request and decision, if applicable, within ten (10) business days. The Office of Human Resources will keep the employee's supervisor apprised of any revisions in a Parental Leave request.

V. Exclusions or Exceptions

1. In the event of multiple births or adoptions (e.g. the birth or adoption of twins) occurring, the length of Parental Leave remains 12 calendar weeks for that multiple birth or adoption.
2. Surrogate mothers and sperm donors are excluded from coverage under this policy.
3. Adoption of a child older than six (6) years of age is excluded from coverage under this policy.
4. An employee may not use Parental Leave to cover an absence resulting from an administered disciplinary suspension.

The University reserves the right to modify or edit this policy without advanced notice.