VII-7.49 – POLICY ON PARENTAL LEAVE AND OTHER FAMILY SUPPORTS FOR STAFF

(Approved by the Board of Regents on June 22, 2012; Amended on April 20, 2018.)

I. PURPOSE

This Policy is intended to support University System of Maryland (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 of paid parental leave to care for a new child, as follows:

A. Nature of Leave

The parental leave period shall consist of any form of annual leave available for use under USM BOR policy VII-7.00 – Policy on Annual Leave for Regular Nonexempt and Exempt Staff Employees, sick leave available for use under USM BOR policy VII-7.45 – Policy on Sick Leave for Exempt and Nonexempt Staff Employees (including advanced sick leave and extended sick leave), personal leave available for use under USM BOR policy VII-7.10 – Policy on Personal Leave for Regular Nonexempt and Exempt Staff Employees, holiday leave available for use under USM BOR policy VII-7.30 – Policy on Holiday Leave for Regular Nonexempt and Exempt Staff Employees for holidays observed during parental leave and earned floating holidays, or leave taken from the Leave Reserve Fund under USM BOR policy VII-7.11 – Policy on Leave Reserve Fund for Regular Status Nonexempt and Exempt Staff Employees, to be supplemented by the Institution with additional paid leave days to attain an eight- (8-) week period of paid parental leave.

B. Interaction of Leave with the Family and Medical Leave Act

All leave taken during the parental leave period (annual, sick, advanced sick, extended sick, personal, holiday, Leave Reserve Fund, or additional paid parental leave assurance) shall run concurrently with any available FMLA leave (“FML”) per Section IV of USM BOR policy VII-7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees if the employee is also eligible for FML under USM BOR policy VII-7.50. The Institution shall administer both policies concurrently.

C. Applicability

The eight- (8-) week paid leave assurance shall be available during a six- (6-) month period surrounding:
1. The birth of a child;
2. The adoption of a child; 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).

D. Eligibility

At a minimum, the paid leave assurance shall apply to regular staff employees, upon written affirmation that the employee will be the child’s primary caregiver during the parental leave period, subject to the following:

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 parents may be eligible for paid parental leave as follows:
   a) Both parents may use accrued annual, sick, advanced sick, extended sick, holiday, Leave Reserve Fund, or personal leave concurrently with the birth of a child or adoption of a child; and
   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 any twelve- (12-) month period, and on two separate occasions during the duration of the staff member’s employment within the USM, except to the extent institution policies provide otherwise.
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 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.

B. Breastfeeding

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 the children of employees may be present on campus.

C. 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.

D. Protections for 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 by this Policy.