

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, Amended on June 21, 2019.)

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 sixty (60) work days (480 hours), 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 sixty (60) work days (480 hours) of continuous paid parental leave to care for a new child, as follows:

A. Nature of Leave

For a fulltime staff employee, the 60-work day paid parental leave assurance shall consist of the following;

1. Accrued Annual Leave that is available to the employee when the parental leave period begins, and as it is accrued throughout the parental leave period, pursuant to USM BOR policy VII-7.00 – Policy on Annual Leave for Regular Nonexempt and Exempt Staff Employees;
2. Personal leave that is available to the employee when the parental leave period begins, and as additional personal leave may be granted during the parental leave period, pursuant to USM BOR policy VII-7.10 – Policy on Personal Leave for Regular Nonexempt and Exempt Staff Employees;
3. Earned Holiday Leave for observed holidays throughout the parental leave period, pursuant to USM BOR policy VII-7.30 – Policy on Holiday Leave for Regular Nonexempt and Exempt Staff Employees, including institutional or “floating” holidays;
4. Discretionary paid Administrative leave granted to an institution’s employees by the President for institutional closures that occur during an employee’s parental leave period, such as in the case of extreme inclement weather or to provide employees with an additional day off before a holiday break.
5. If none of the above categories of leave is available to the employee, supplemental paid leave shall be provided to the employee by the Institution to attain the paid parental leave assurance of 60 work days (480 hours). As a matter of institutional policy, Institutions may permit employees to substitute use of accrued sick leave for annual leave in order to qualify for supplemental paid

leave.

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

All leaves taken during the parental leave period (annual, sick, advanced sick, extended leave, personal, holiday, administrative, or supplemental 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 60-work day/480-hour paid parental leave assurance shall be available on a continuous basis 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 staff, appointed at .50 or greater Full Time Equivalence (FTE).
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 concurrently may use accrued annual, sick, advanced sick, extended sick, holiday, Leave Reserve Fund, or personal leave with the birth of a child or adoption of a child; and
 - b) A parent may use supplemental guaranteed paid leave under II.A.5. of 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 six (6) months of continuous employment with the Institution, except to the extent that institution policies permit a lesser eligibility period.

5. A staff employee who has not yet reached the six-month eligibility threshold may use other available leave for parental support purposes, pursuant to the applicable policies:
 - a) Accrued Sick Leave;
 - b) Any Advanced Sick Leave the employee is eligible to receive, prorated to the length of service and appointment FTE; and
 - c) Leave Without Pay.
6. 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.
7. Parental Leave for Staff must be used on a continuous basis; it is not available on an intermittent basis.
8. The employee must have a satisfactory record of work performance and no record of sick or safe leave abuse.

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.

USM Bylaws, Policies and Procedures of the Board of Regents

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.

IMPLEMENTATION PROCEDURES

Each President shall identify his/her designee(s) as appropriate for this Policy; develop procedures as necessary to implement this Policy; communicate this Policy and applicable procedures to employees at his/her institution and the general campus community; and post this Policy on the Institutional website. Each President shall forward a copy of such designations and implementation procedures to the USM Chancellor.