

Rule 6-309A Postdoctoral Fellows Parental Leave

Revision #0. Effective date: July 1, 2022

Contents.

I. Purpose and Scope	1
II. Definitions	2
III. Rule	2
A. General Eligibility	2
B. Parental Leaves of Absence	3
C. Paid Leave Benefit	3
D. Right of Return	5
E. Parental Leave and the Family Medical Leave Act (FMLA)	5
F. Procedures: Request for Benefit, Notification of Administrators, Timing	5
G. Unanticipated Events	6
H. Relationship to Other Policies	6
I. Role of the Office of Equal Opportunity and Affirmative Action	6
IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources	7
V. References	7
VI. Contacts	7
VII. History	7

I. Purpose and Scope

A. Purpose.

This rule establishes and governs parental leave benefits the University provides for the birth, foster placement, or adoption of children by Postdoctoral Fellows in all academic units.

B. Scope.

This rule applies to all Postdoctoral Fellows, including Postdoctoral Fellows employed by University of Utah Hospitals and Clinics. This rule applies to all departments, divisions, and colleges that employ Postdoctoral Fellows.

II. Definitions

The definitions provided in Policy 6-309 apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

- A. "Child" means a biological, adopted or foster Child, stepchild, legal ward, or a Child of a person standing in loco parentis.
- B. "Caregiving Leave Benefits" are parental leave benefits that are primarily for the care of a Child post-birth as well as planning and care for an adopted or foster child immediately prior to and after placement in the Postdoctoral Fellow's home.
- C. "Disability Leave Benefits" are Parental Leave Benefits that are necessary to address pregnancy related health conditions of the birth parent and pre-natal Child.
- D. "Eligible Caregiver" means a Postdoctoral Fellow who provides the majority of Child contact hours during the Postdoctoral Fellow's regular working hours.
- E. "Parent" means a biological Parent or an individual who performs all parental duties in lieu of a biological Parent.
- F. "Parental Leave Benefits" includes both Caregiving Leave Benefits and Disability Leave Benefits.

III. Rule

- A. General Eligibility

1. The University's Postdoctoral Fellows are entitled to the benefits set forth in this rule.
2. Parental Leave Benefits are not available to a Postdoctoral Fellow who is a birth Parent who does not become the legal parent of the Child following birth. In such cases, the person who gives birth may be eligible for benefits under other University regulations regarding health-related leave and the Family Medical Leave Act.
3. The Associate Dean for Postdoctoral Affairs shall make the University's final decision as to whether a Postdoctoral Fellow who requests Parental Leave meets requirements for Parental Leave.
 - a. The Associate Dean for Postdoctoral Affairs shall approve a request for Parental Leave if the request meets the requirements described in this rule.

B. Parental Leaves of Absence

1. Types of Paid Leave.
 - a. Disability Leave Benefits and the resulting leave of absence under this rule are available to an eligible Postdoctoral Fellow birth Parent.
 - b. Caregiving Leave Benefits and the resulting leave of absence under this rule are available to an eligible Postdoctoral Fellow who serves as an Eligible Caregiver of the Postdoctoral Fellow's own newborn Child or a partner's newborn Child or of the Eligible Caregiver's Child newly placed for adoption or foster care.
 - c. If the Child's parents are both University of Utah employees, Postdoctoral Fellows, or graduate students, both parents may be entitled to a University-sponsored parental leave of absence.

C. Paid Leave Benefit

1. Upon approval of a request, an Eligible Caregiver will be granted the equivalent of eight weeks of paid Parental Leave of Absence (including both Disability Leave Benefits and Caregiving Leave Benefits).
 - a. The supervisor, in consultation with the Associate Dean for Postdoctoral Affairs may grant the Eligible Caregiver an extended leave period (beyond eight weeks) so long as similarly-situated Postdoctoral Fellows in the same unit are treated consistently.
 - b. If agreed to by both the Eligible Caregiver and the Eligible Caregiver's supervisor, the Eligible Caregiver may work part-time during some or all of the Parental Leave of Absence, in which case the Parental Leave of Absence may extend beyond eight calendar weeks; however, the paid leave time under this rule will be limited to eight weeks total.
 - c. Under certain circumstances, externally funded Postdoctoral Fellowships may require an additional formal notification and approval from the funding agency for extension beyond a standard duration, as required by the terms of the award.
2. The Postdoctoral Fellow shall continue to receive their current level of financial support during Parental Leave.
3. Any portions of the Postdoctoral Fellow's compensation during the leave period from grants or contracts must be based on actual effort performed for the award and all award requirements must be met.
4. Disability Leave Benefits shall ordinarily begin no more than four weeks prior to the expected birth of the Child and shall be completed no later than the end of the leave period for which the leave is sought.
5. Caregiving Leave Benefits shall ordinarily begin no earlier than two weeks prior to the expected birth or placement for adoption or foster care of the Child and shall be completed no more than 12 months following the birth, adoption, or foster placement of the Child.

D. Right of Return

1. At the conclusion of a paid Parental Leave taken under this rule, a Postdoctoral Fellow has the right to return to their position and resume employment with the same rate of pay and benefits as would have been applicable if the Postdoctoral Fellow had not taken the Parental Leave. Failure to resume the duties of the position may result in the termination of employment and the loss of pay and benefits.

E. Parental Leave and the Family Medical Leave Act (FMLA)

1. A paid Parental Leave of Absence (including both Disability Leave Benefits and Caregiving Leave Benefits) taken under this rule runs concurrently with leave available under the Family and Medical Leave Act (FMLA) and does not extend or defer FMLA leave.
2. An eligible Postdoctoral Fellow may, in addition to a Paid Parental Leave, qualify for unpaid leave under the FMLA during the same 12-month period to the extent the Postdoctoral Fellow has not otherwise exhausted their FMLA during the relevant time period.

F. Procedures: Request for Benefit, Notification of Administrators, Timing

1. A Postdoctoral Fellow requesting a Parental Leave of Absence under this rule shall:
 - a. complete the appropriate approved University form (Postdoctoral Fellow Parental Benefit Request form); and
 - b. submit the completed form to the Postdoctoral Fellow's faculty advisor, department chair, and the Office of Postdoctoral Affairs.
2. The Postdoctoral Fellow and the Postdoctoral Fellow's faculty advisor shall enter into a written agreement that describes the Postdoctoral Fellow's responsibilities and how the Postdoctoral Fellow will fulfill those responsibilities following a Parental Leave of Absence, including the total

length of the Postdoctoral Fellow's leave and whether the Postdoctoral Fellow will have a period of part-time work during the parental leave.

- a. The Postdoctoral Fellow and the Postdoctoral Fellow's faculty advisor may consult the Office of Equal Opportunity and Affirmative Action (OEO) and the Americans with Disabilities Act (ADA) regarding a parental leave or the terms of the written agreement.
3. A Postdoctoral Fellow shall make a request for a parental leave of absence at least 90 days prior to the expected birth of the Child or as soon as reasonably possible before an adoption or foster placement.

G. Unanticipated Events

1. Not all events surrounding pregnancy, childbirth, adoption, and the health of a young Child can be fully anticipated for purposes of this rule. A Postdoctoral Fellow may request, and the Associate Dean for Postdoctoral Affairs may grant, upon recommendation of OEO or the academic unit, an exception to the eligibility criteria and maximum leave length described in this rule.

H. Relationship to Other Policies

1. Nothing in this rule precludes an academic unit from providing similar benefits to trainees other than the Postdoctoral Fellows eligible under this rule or providing to Postdoctoral Fellows more extensive benefits for parental or other family responsibilities, so long as similarly-situated Postdoctoral Fellows in the same unit are treated consistently and any more extensive benefits are not in violation of another University regulation.
2. Other leave that has been taken or is scheduled to be taken by a Postdoctoral Fellow does not preclude eligibility for Parental Leave under this rule.

I. Role of the Office of Equal Opportunity and Affirmative Action

1. A Postdoctoral Fellow who needs an accommodation associated with a pregnancy, a pregnancy-related medical condition, or who experiences discrimination should contact the OEO.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules

1. Policy 6-309: Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [*reserved*]

V. References

A. [*reserved*]

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owners (primary contact person for questions and advice): Associate Dean for Postdoctoral Affairs
- B. Policy Officers: Senior Vice President for Academic Affairs and Senior Vice President for Health Science

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version. Revision 0.

1. Approved by -- Academic Senate June 6, 2022, and Board of Trustees June 14, 2022, with effective date of July 1, 2022.

2. Legislative History

3. Editorial Revisions

B. Previous versions.

C. Renumbering

1. Not applicable