

## **Policy 8-002: School of Medicine (SOM) Parental Leaves of Absence**

**Revision 2. Effective date: January 1, 2014**

### **I. Purpose and Scope**

To establish the University's Policy for parental leaves of absence and extensions of the review timetable for the birth or adoption of children by full-time tenure-line and career-line faculty members in the School of Medicine. To establish the maximum length of periods for such leaves consistent with the needs and resources of the University. To support faculty members in the School of Medicine as they balance the duties of work and family and to enable flexibility during times of family formation and the effective return to full-time work. Any questions regarding this Policy should be referred to the School of Medicine's Vice Dean for Academic Affairs and/or the Office of the Senior Vice President for Health Sciences.

This Policy 8-002 applies only for faculty members in the School of Medicine. The counterpart [Policy 6-315](#) applies for faculty members in the University Libraries and in all academic colleges except the School of Medicine.

### **II. Definitions**

For purposes of this Policy and any associated Regulations, these terms are defined as follows.

- A. "Academic year" is July 1 to June 30 for SOM faculty members on twelve-month appointments.
- B. "Adopted child" refers to a child under six years of age or a special needs child (as defined here) placed for adoption.
- C. Salary Related Terminology:

"Annual salary" refers to the academic salary of an individual faculty member (as approved in the annual operating budget by the Office of the Senior Vice-President for Health Sciences), which includes two components—the "base" salary and the "negotiated" salary of the individual. The annual salary is for normal and expected working time and effort, not in excess of 100% of full-time, for all services performed under all assignments during the appointment period. The annual salary, as used for purposes of determining the salary amount to be paid during a period of paid leave provided for under this Policy, does not include incentive pay for clinical activities (sometimes referred to as "Clinical Incentive Pay," See [Policy 8-001](#) Medical Practice Plan for the University of Utah SOM Full-Time Faculty)

- D. "Eligible faculty member" is defined as a full-time tenure-line or full-time career-line faculty member with an appointment that began before the expected arrival of a child. The categories of tenure-line faculty (formerly "regular" faculty) and career-line faculty (formerly "auxiliary" faculty) are as described in [Policy 6-300](#) The University Faculty -- Categories and Ranks. Full-time is 0.75 or greater of Full-Time-Equivalent (".75 FTE") (sometimes referred to as "benefits-eligible").
- E. "Parental benefits" refers to both the leave of absence benefits and the review extension benefits provided under this Policy. "Parental leave benefits" refers to parental leaves of absence with modified duties provided under this Policy (including disability leaves for birth mothers and care-giving leaves for all eligible caregiver parents). The parental leave of absence benefit provided under this Policy is for a paid leave. As further explained in Part III-C-3 (Parental Leave and the Family and Medical Leave Act), a faculty member might also qualify, separately, for a period of leave based on the FMLA and pertinent University Regulations.
- F. "Partner" refers to a spouse or, in the case of an unmarried faculty member, to an adult who is certified as a domestic partner through Human Resources procedures ([See Rule 5-200A](#)).

- G. "Eligible caregiver" is defined differently for purposes of each type of parental benefit.
1. "Eligible caregiver" for purposes of a care-giving leave means a faculty member who provides the majority of child contact hours during the faculty member's regular academic working hours for the length of the period of the leave of absence actually taken by the faculty member under this Policy (up to the maximum allowable period).
  2. "Eligible caregiver" for purposes of an extension of the review timetable means a faculty member who provides the majority of child contact hours during time that the faculty member would normally spend on productive scholarship for the length of the period of the leave of absence actually taken by the faculty member under this Policy (up to the maximum allowable period).
- H. "Review timetable extension" refers to an additional year added to the probationary period before a tenure review of a *tenure-track* faculty member or the ordinary period before a post-tenure review of a *tenured* faculty member.
- I. "Special needs child" means a child under the age of 18 who is incapable of self-care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

### III. Policy

- A. General eligibility for parental benefits
1. An eligible faculty member is guaranteed a review timetable extension parental benefit provided under this Policy no more than twice. Any subsequent requests for such extension benefits in conjunction with additional instances of birth or adoption will be subject to the approval of the cognizant senior vice president. (b). An eligible faculty member may qualify for a total maximum of 24 weeks of paid leave of absence parental benefits provided

- under this Policy during that faculty member's employment with the School of Medicine.
2. For a given instance of childbirth or adoption, only one University of Utah faculty member is guaranteed to qualify for parental benefits provided under either/both Policy 8-002 (School of Medicine faculty) and/or the counterpart [Policy 6-315](#) (faculty of other units of the University), which together comprise the University's regulations regarding faculty parental benefits.
  3. This Policy does not apply for birth parents who do not anticipate becoming the legal parent of the child following birth. In such cases, a birth mother may be covered by sick leave and FMLA Policies.
  4. Exceptions to these and other eligibility criteria below must be approved by the cognizant senior vice president.

#### B. Notification

1. An eligible faculty member should
  - a. Complete the Parental Benefits application form {\_\_insert link} and submit it to the School of Medicine Vice Dean for Academic Affairs and Faculty Development.
  - b. The Vice Dean for Academic Affairs and Faculty Development will notify the faculty member's department chairperson and the Senior Vice President for Health Sciences of the application as soon as possible and within 5 working days after the application is submitted.
2. A request for a parental leave of absence with modified duties should normally be made no fewer than three months prior to the expected arrival of the child.

#### C. Parental Leaves of Absence With Modified Duties

1. Eligibility for leave

- a. *Disability leave* benefits and the resulting modified duties under this Policy are available to an eligible faculty member who gives birth to a child during that faculty member's employment with the School of Medicine.
- b. *Care-giving leave* benefits and the resulting modified duties under this Policy are available to an eligible faculty member who serves as an eligible caregiver (as defined for this purpose) of her or his own newborn child or a partner's newborn child or of a newly adopted child during the period for which leave is sought.

2. Benefit

- a. Upon approval of a parental leave of absence request, an eligible faculty member will be granted a parental leave of absence with modified duties (e.g., teaching, service, research and/or clinical work) for a leave period of a length chosen by the faculty member, within the applicable limits described below.
  - i. The faculty member will be released from professional duties during this period, but may choose to continue some professional activities (e.g., meeting students and trainees, doing research or limited clinical work such as medical record review, participating in faculty appointment or faculty review decisions).
  - ii. The faculty member who is released from duties should not be expected to maintain normal scholarly or clinical productivity during a period of modified duties.
  - ii. The faculty member is encouraged to provide the department chairperson with a written statement of the activities, if any, the faculty member intends to continue during the leave.
- b. Paid parental leave limits, and rate of pay.

- i. Length of each leave. For a given instance of childbirth or adoption, the maximum length of the paid leave provided for under this Policy is six weeks, and the faculty member may elect a leave period of that or any lesser length. (Note that for any such instance, the faculty member might also seek and be found to qualify for additional weeks of leave based on the Family and Medical Leave Act and pertinent University Regulations, as described in Part III-C-3 below, and in such case, the maximum total length of the leave period the faculty member may take for a given instance, combining the paid leave provided under this Policy and any FMLA-based leave, is twelve weeks).
- ii. Cumulative length limit for all leaves. For all instances of paid parental leave taken under this Policy, combined (i.e., all instances of childbirth/adoption) throughout the faculty member's employment with the School of Medicine, the total maximum number of such paid weeks of leave allowed is 24 weeks. The faculty member may take multiple parental leaves during that time of employment (if all other eligibility requirements are satisfied in each instance), and may apportion the available 24 weeks among such multiple leaves in any increments desired, consistent with the single-instance six-week maximum length..
- iii. Rate of pay and funding sources. For any paid parental leave of absence taken under this Policy, the rate of pay during the leave, and sources of funding for that pay will be as follows:
  - A. The rate of pay will be determined by reference to (1) the faculty member's annual salary (as defined in Part II, consisting of base and negotiated salary), for the academic year during which the leave will begin, and (2) the then-current annual salary cap set by the National Institutes of Health ("NIH"). The rate of pay will be the faculty member's annual salary, up to a maximum of the then-current annual NIH salary cap.

The NIH salary cap reference point will be determined annually in accord with NIH rules (and for example for 2014 is set at \$179,700).

- B. Portions of the faculty member's compensation during the leave period for which the funding sources are grants or contracts must be based on actual effort performed for the award to the extent required by the funding agency, and all award requirements must be met. Faculty members may and ordinarily are expected to, when applicable, request from the relevant funding agencies permission to use grant or contract funds to support the chosen number of weeks of paid parental leave for the portion of work (FTE) that would normally be covered by the relevant grant funds during the period of the leave. This Policy 8-002 is intended to be interpreted to be consistent with requirements of the NIH parental leave policy (information available at [http://grants.nih.gov/training/faq\\_childcare.htm#1350](http://grants.nih.gov/training/faq_childcare.htm#1350)), and similar policies of other agencies.
- C. A department may supplement the total amount of pay for its faculty members taking paid parental leave under this Policy, either in the form of providing a higher rate of pay during the paid leave period and/or in the form of providing pay for more than the maximum six weeks this Policy provides for. Any such supplementation must be applied consistently for all faculty members of that department who take parental leave.
- c. *Disability leave* under this Policy shall begin no more than three months prior to the birth of the child and shall be completed at the end of the period for which the leave is sought.

- d. *Care-giving leave* under this Policy shall begin no sooner than two weeks before the birth or four weeks before the adoption of the child, and shall be completed no more than 12 months following the arrival.
3. Relationship of Parental Leave and Leave Based on the Family and Medical Leave Act (FMLA) and Pertinent University Regulations
    - a. Any periods of leave taken as paid parental leaves of absence with modified duties under this Policy are substituted for care-giving leave otherwise available under the Family and Medical Leave Act (FMLA) and University Regulations pertinent to the FMLA.
    - b. Eligible faculty members, in addition to (or instead of) taking paid parental leave under this Policy (up to the six-week single-instance limit), may also qualify for leave under the FMLA and pertinent University Regulations during the same twelve (12) month period, but only in connection with a serious health condition either before or after the child's birth or adoption or to the extent the faculty member has not received twelve (12) full weeks of care-giving leave under this Policy. (Note that in a given instance an eligible faculty member might therefore combine paid parental leave under this Policy—of up to six weeks, with additional weeks of FMLA-based leave, for a combined period of caregiving leaves of up to twelve weeks.)
    - c. Under pertinent University Regulations, FMLA-based leave is normally unpaid, but will be paid in cases in which the faculty member has accrued sick leave or vacation leave and this accrued leave is used during the FMLA leave period.
    - d. See [Policy 5-200](#) and [Rule 5-200A](#) for more information regarding FMLA-based leave.

D. Review Timetable Extensions (for tenure-line faculty members)

1. Eligibility for Extension

A one-year extension of the pre-tenure probationary period (i.e., tenure clock) for a tenure-track faculty member or the time before a post-tenure review for a tenured faculty member is available to an otherwise eligible faculty member who either i) gives birth to a child, or ii) serves as an eligible caregiver (as defined for this purpose) of her or his own newborn child or a partner's newborn child or of a newly adopted child.

## 2. Notice

A request for a review timetable extension is made on the same Parental Benefits application form {insert link} as a request for a parental leave. A request for an extension may be made at the same time as the request for leave and must be made within six months after the arrival of the child and before external reviewers are solicited or other action is taken to begin a formal review, whichever is earlier.

## 3. Benefit

Upon approval of a request, a formal review in the current year will be postponed (a) if the faculty member (i) is due to and/or does give birth to a child no later than June 30 of the year in which the review to be extended is scheduled, or (ii) is planning to and/or begins to serve as an eligible caregiver to her or his own newborn child or a partner's newborn child or of a newly adopted child no later than June 30 of the year in which the review to be extended is scheduled and (b) if the faculty member gives the department notice of the birth or adoption before the formal review is initiated. Births or adoptions after June 30 may extend a subsequent formal review, but not the review in the current year. An extension taken at any time in a pre-tenure probationary period will extend the date for the final tenure review.

## 4. A previously submitted request for a timetable extension may be revoked by written notice from the faculty member, submitted before the date on which

action would ordinarily be taken to begin a formal review in that year's review cycle.

#### E. Unanticipated Events

Not all events surrounding pregnancy, childbirth, adoption, and the health of a young child can be fully anticipated for purposes of this Policy. Requests for exceptions to this Policy should be directed to the senior vice president for health sciences.

#### F. Obligation to Return

The obligation to return to University service following the leave, applicable to other leaves under [Policy 6-314-III- Section 9-B](#), applies to paid disability and caregiving leaves under this Policy as well. [The recipient of a paid leave must agree to return to the service of the University after the termination of the leave for a period of time at least equal to the length of the leave. If he/she does not so return, or returns for a shorter period of service than required under this Policy, the University will be entitled to a proportionate refund of the compensation paid by the University during the leave. Upon a determination that the enforcement of this obligation will create an extreme hardship or would be seriously inequitable, the President may waive the refund in whole or in part. For the purpose of this paragraph, "compensation" includes salary plus all payments from University funds for non-salary employee benefits.]

#### G. Relationship to Other Policies

1. Nothing in this Policy precludes academic units from providing similar benefits to faculty members other than faculty eligible under this Policy or providing to any faculty members more extensive benefits for parental or other family responsibilities or personal disability, so long as similarly-situated faculty members in the same unit are treated consistently.

2. Other leave that has been taken or is scheduled to be taken by a faculty member shall not preclude eligibility for parental leave benefits under this Policy. Correspondingly, parental leave taken or scheduled under this Policy shall have no bearing on decisions regarding other leave for a faculty member, except to the extent that a faculty member with a twelve-month appointment is subject to a department Policy regarding proration of sick leave, vacation leave or professional development leave.
3. If any other University Policy is inconsistent with the provisions herein, this Policy shall govern.

#### H. Special Co-Parent Benefit—One-Week Paid Time Off

As a form of additional support for faculty members with parental responsibilities, the School of Medicine provides for one week of co-parenting paid time off. This applies for a given instance of childbirth or adoption, for an eligible faculty member of the School of Medicine (as defined in Part II), who is not taking paid parental leave under this Policy, whose co-parent (spouse or domestic partner) is to be the primary caregiver of the child, and that co-parent is also a full-time member of the faculty of the [School of Medicine]. The eligible faculty member will, upon request, receive up to one week (five days) of paid time off of responsibilities to the School of Medicine. The rate of pay during this time-off period will be calculated in the same way as the rate of pay calculation for a paid parental leave of absence as described in Part III- above. The paid time off must be used within two weeks before or six weeks after the arrival of the child. This co-parent benefit is available a maximum of four times during the faculty member's employment with the School of Medicine if all other requirements are met, including that both parents are employed by the University of Utah School of Medicine at the time of the birth or adoption. (Note that any time taken as such co-parent paid time off may affect the faculty member's eligibility for other forms of leave, including FMLA-based leave, as will be governed by the University Regulations pertinent to such other forms of leave.)

## I. Policy Review

The implementation and the fiscal impact of this revised parental benefits Policy will be reviewed by the School of Medicine in three (3) years from the date of passage. The report will be given to the Academic Senate. Concerns should be reported to the School of Medicine Vice Dean of Academic Affairs and Faculty Development and the Senior Vice President for Health Sciences.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

## IV. Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Rules
- B. Procedures
- C. Guidelines
- D. Forms

[SOM Parental Leave](#) application form

[SOM Co-Parental Leave](#) application form

- E. Other related resource materials

Parental Leave Policy Evaluation-Utah Educational Policy Center 2010.

[Executive Summary & Update](#)

[Full Evaluation Report](#)

## V. References

[Policy 6-315](#), Faculty Parental Benefits -- Leaves of Absence with Modified Duties and Review Extensions (except School of Medicine)

[Policy 5-200](#), Leaves of Absence (Health-Related);

[Rule 5-200A](#): Scope, Eligibility and Limitations for Leaves of Absence (Health-Related)

[Policy 5-201](#), Leaves of Absence (Non Health-Related)

[Policy 6-311](#), Faculty Retention and Tenure of Regular Faculty (extension of pre-tenure probationary period for disability)

[Policy 6-314](#), Leaves of Absence

29 Code of Federal Regulations 825.100 et seq., Family and Medical Leave Act Regulations

## VI. Contacts

The designated contact officials for this Policy are:

- A. Policy Owners (primary contact person for questions and advice): School of Medicine Vice Dean of Academic Affairs and Faculty Development
- B. Policy Officers: Sr. Vice President for Health Sciences

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "*

*"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... ." University Rule 1-001-III-B & E*

## VII. History

Renumbering: Renumbered as Policy 8-002 September 2008, formerly PPM 8-8.2.

### Revision History

#### A. Current Version: Revision 2

Approved by the Academic Senate: November 4, 2013

Approved by the Board of Trustees: November 12, 2013 to take effect January 1, 2014.

#### [Legislative history of Revision 2](#)

#### B. Past Versions

##### [Revision 1:](#)

Effective dates: March 12, 2007 - December 31, 2013

##### [Legislative History for Revision 1](#)

##### [Revision 0:](#)

Effective dates: July 1, 2006 to March 11, 2007.

[Background information PART 1 for Revision 0](#)

[Background information PART 2 for Revision 0](#)