



PARENTAL LEAVE POLICY

Responsible Official: **Chief Operating Officer**

Responsible Office: **Office of Human Resources**

Policy Purpose

This policy specifies the parameters for parental leave and the procedures for receiving leave.

Policy Statement

In accordance with TCA § 4-21-208 and the Family and Medical Leave Act (FMLA), ETSU will provide up to four months of Parental Leave to Eligible Employees for adoption, pregnancy, childbirth, and nursing an infant, subject to the limitations provided in TCA § 4-21-208, FMLA, and this policy. ETSU may request proof of birth or adoption documentation.

An employee who has not been employed at ETSU long enough to meet the requirements under TCA § 4-21-208 and FMLA, and therefore does not qualify for leave under this policy, may use accrued sick and/or annual leave for adoption, pregnancy, childbirth, and nursing an infant.

I. Paid Parental Leave.

A. Eligibility for Paid Parental Leave.

1. Birth or Adoption of a child on or after July 1, 2023.

If an Eligible Employee's child is born or adopted on or after July 1, 2023, the first six weeks of the Eligible Employee's Parental Leave shall be Paid Parental Leave. The employee may only receive six weeks of Paid Parental Leave in a twelve-month period, even if the employee has more than one birth or adoption.

2. Birth or Adoption of a child before July 1, 2023.

If an Eligible Employee's child is:

- (1) born or adopted before July 1, 2023; and
- (2) the Eligible Employee has Parental Leave remaining for the birth or adoption of the child as of July 1, 2023,

then the Eligible Employee may receive Paid Parental Leave for any remaining Parental leave the employee is eligible to take on or after July 1, 2023, but not to exceed six weeks of Paid Parental Leave.

II. Notice.

Employees are required to give three months advance notice to their supervisor and the Office of Human Resources of their anticipated date of departure, length of leave, and intention to return to employment in accordance with the procedures section of this policy. Employees who are prevented from giving three months advance notice due to medical conditions, early birth, a late notice of adoption, or the retroactive adoption of this policy, shall not forfeit their rights and benefits under this policy.

III. Employment Rights and Benefits.

Leave taken pursuant to this policy shall not affect the employee's right to receive annual leave, sick leave, bonuses, advancement, length of service credit, benefits, plans or programs for which the employee was eligible at the date of their leave, and any other benefits or rights of their employment incident to the employee's employment position. However, ETSU is not required to provide for the cost of any benefits, plans or programs during the period of leave, unless ETSU provides such leave to all eligible employees on leaves of absence.

IV. Use of Leave.

Paid Parental Leave shall be at full pay. ETSU shall not charge Paid Parental Leave to sick, annual, or other leave the employee may have accumulated. ETSU shall consider such Paid Parental Leave to be regular employment for purposes of calculating service anniversary dates and longevity.

For the birth of a child on or after July 1, 2023, leave will be charged as follows for Eligible Employees:

- A. Paid Parental Leave will be paid first and must be used within twelve (12) months of the birth or placement of a child for adoption;
- B. Any available Sick Leave will be used second; and
- C. Once Paid Parental Leave and sick leave are exhausted, leave under this policy will be

charged to annual leave and then compensatory leave.

Parental Leave shall be continuous (e.g., in a single block of time), unless ETSU, at its discretion, permits the employee to use Parental Leave intermittently. In the event that Paid Parental Leave and accrued annual and sick leave balances are depleted prior to the end of the four (4) month parental leave period, the employee will be placed on unpaid leave of absence status. Refer to the Leave of Absence Policy for information on continuation of insurance coverage.

V. Return to Work.

ETSU may require written approval from the employee's attending medical professional for the employee's return to work at the end of the employee's leave period.

If an employee's job position is so unique that ETSU cannot, after reasonable effort, fill that position temporarily, then ETSU shall not be liable for failure to reinstate the employee at the end of the parental leave period.

Pursuant to Tennessee law, if an employee has utilized the period of leave to actively pursue other employment opportunities or if the employee has worked full-time or part-time for another employer during the period of leave, ETSU is not required to reinstate the employee at the end of such leave.

VI. Repayment of Paid Parental Leave.

If an employee does not return to work or resigns within 90 days of returning to work, then the following applies:

A. If the employee has been employed at ETSU less than five years from the date of resignation, the employee must repay the six weeks of Paid Parental Leave received in the twelve months prior to the date of resignation. ETSU may deduct these amounts from the employee's final paycheck and accrued leave.

B. If the employee has been employed for five or more years from the date of resignation, the employee does not have to repay any Paid Parental Leave.

C. If the employee does not return to work due to a medical condition or death of the employee or the child, subject to medical documentation, the employee does not have to repay any Paid Parental Leave.

Authority: TCA § 4-21-208
TCA § 49-8-203
TCA § 8-50-809
Family Medical Leave Act

Previous Policy: Emergency Policy- Retroactive to 8/1/23; PPP-22 Parental Leave

Defined Terms

A defined term has a special meaning within the context of this policy.

ELIGIBLE EMPLOYEE:	Faculty and staff employed by the University in a regular position for at least twelve (12) months and having worked at least 1,250 hours prior to the birth or adoption of the child.
FAMILY MEDICAL LEAVE ACT (FMLA):	Provides employees up to twelve (12) weeks of unpaid leave during a 12-month period for family or medical leave and ensures employee is reinstated to the same or an equivalent position following the leave period, in accordance with FMLA guidelines.
FULL-TIME EQUIVALENT (FTE):	The ratio of the total number of hours of a full-time position in comparison to the hours on a less than full-time position.
PARENTAL LEAVE:	Provides up to four (4) months of unpaid leave to employees for adoption, pregnancy, childbirth and nursing an infant, where applicable. Employees' eligibility for this type of leave must be in accordance with T.C.A. 4-21-408.
PAID PARENTAL LEAVE:	For the birth or adoption of a child after July 1, 2023, a six-week period of paid leave of absence (that does not reduce an employee's balance of any other paid leave) for an Eligible Employee to adjust to their new family situation and balance their professional obligations due to the birth or adoption of a child under the age of 18.

Policy History

Effective Date

- a. Initial: 8/1/23 (Emergency Policy)
- b. Revised: 10/9/2023

Procedure

I. Notice of Leave.

Employees should give at least three months advance notice to their supervisor and the Office of Human Resources of their anticipated date of departure for such leave, their length of leave, and their intention to return to regular employment after leave. The employee completes the appropriate leave forms and returns the forms to the Office of Human Resources.

An employee who intends to use FMLA leave beyond the six weeks of Paid Parental Leave, submits the appropriate FMLA paperwork. If paid parental leave is being combined with any other type of available leave, appropriate application and documentation procedures must be followed as indicated in the relevant leave policy.

II. Notice of Return to Work.

Prior to returning to work, the employee notifies the Office of Human Resources and submits documentation required under this policy.

Procedure History

Effective Date

- a. Initial: 8/1/23 (Emergency Policy)
- b. Revised: 10/9/2023

Related Form(s)

Scope and Applicability

Primary: Human Resources