

Graduate Student Holiday, Vacation, Parental Leave and Sick Leave Policies

These policies apply to graduate students in the School of Graduate Studies who receive stipends that support their effort toward earning a degree during the period when they receive support. They represent the minimum to which graduate students are entitled.

If a graduate student receives a stipend, they will receive support for holidays, vacations, sick leave and parental leave as set forth below. The stipend support for those days will be at the same rate as for normal work days. For all anticipated leaves longer than two weeks, appropriate departmental approvals must be obtained and paperwork submitted to the Dean of School of Graduate Studies prior to the start of the leave.

These policies do not supersede other University policies concerning attendance or residence at the University, e.g. participating in classroom activities as a student or teaching assistant. These policies only apply to student effort toward earning a degree.

Holidays. Graduate students are entitled to observe University closings for Holidays and other recognized events. The University currently recognizes 8 named holidays, 1 university designated holiday and 1 personal floating holiday.

Vacations. Graduate students are allowed two weeks of vacation per calendar year (10 traditional work days) if they receive full support during a 12-month period. Students who receive less than 12 months of support are not entitled to vacation during the period of support. Vacation is not provided during the supported period when students receive support for part of the year. The dates of vacations must be approved in advance by the student's research mentor to ensure that time-sensitive work is not disrupted

Vacation days can be accrued from one year to the next year only with the prior written approval of the Program and only up to a maximum of 20 traditional work days, to allow for international travel, for example. There is no terminal leave.

The times between academic terms and the summer are considered part of the active training period and are not to be regarded as vacation time.

Sick Leave. Graduate students are entitled to two weeks (10 traditional work days) of sick leave per year, with no year-to-year accrual. Sick leave may be used for medical conditions related to pregnancy and childbirth. Under exceptional circumstances, additional sick leave days may be granted following receipt of a written request from a physician, and prior written approval by the Program.

Parental Leave. Graduate students are entitled to paid parental leave for the adoption or birth of a child. The primary caregiver is entitled to 6 weeks leave and the other parent or domestic partner is entitled to 3 weeks leave. When both parents are supported graduate students, the leave may be used consecutively or together. The leave must be used within 12 months of birth or adoption. Parental leave must be approved in advance in writing by the Program. It is permissible to add parental leave

and sick leave together for the adoption or birth of a child.

Unpaid leave. Students who require additional leave beyond what is stipulated above, must seek prior written approval from the Dean of School of Graduate Studies for an unpaid leave of absence. Approval for a leave of absence must be requested in advance by the student and the student should provide documentation for the leave request and obtain approval. Conditions for the leave and approval must be submitted to the Dean of School of Graduate Studies. Continued coverage of health insurance is allowable as permitted within the guidelines of University Health Services and with written approval by the Program and Dean of School of Graduate Studies.

Unused Leave. A student is not entitled to receive any form of compensation for any unused holidays, vacation days, sick leave, parental leave, and/or other accrued time off.

Disclaimers. These policies do not supersede any HR policy. In addition, these policies do not create a contractual relationship with any student and the policies may be amended at any time by the Faculty and the School of Graduate Studies.

Version approved by the Faculty Senate Committee on Graduate Studies, September, 2012 amended by the Executive Committee October, 2012 and by the Graduate Studies Committee on November 5, 2012.

Paid Parental Leave

Policy no. IV-14

Effective date: 11/01/2008

Scope: Staff eligible for FMLA Leave for childbirth or parenting of newborn or newly adopted child, Categories 1, 2, and 3

Exclusions: Faculty; Staff who do not meet FMLA eligibility requirements

Policy Statement

Case Western Reserve University recognizes the need to support employees as they balance career, childbirth, and family life. This paid parental leave policy addresses family and work-life balance as legitimate, important, and vital to the success of the university. This policy allows for a specified period of paid leave to be taken within 12 months following the birth or **adoption of a child** and is administered in conjunction with the Family and Medical Leave Act of 1993 (FMLA). Paid parental leave will run concurrently with FMLA leave and is limited to a total of six weeks per birth/adoption event or nine weeks if both parents/partners are employees of Case (six weeks for the birth mother or primary care-giver and three weeks for the other parent, including a domestic partner, or one who is not the primary care-giver).

FMLA requires Case to provide up to 12 work weeks of unpaid, job-protected leave to "**eligible**" employees for certain family and personal medical reasons. To be "eligible" for FMLA leave, an employee must meet the following minimum requirements: be employed by Case at least 12 months prior to the commencement of the leave and have worked at least 1,250 hours during the 12-month period prior to the leave. The general FMLA provisions are posted in the Human Resources Department, Room 304 Crawford Hall and the Office of Equal Opportunity and Diversity, Room 310 Adelbert Hall and in the HR Policy No. IV-8, Absence and Leaves for Personal Medical, Family Medical, and Parenting Reasons under Family and Medical Leave Act (FMLA Leave Policy).

As provided in HR Policy No. IV-8, the FMLA Leave Policy, an employee may draw upon the 12-week allowance either intermittently or in total over a 12-month period based on the eligibility date. "**Eligibility date**" refers to the date of the employee's first FMLA leave within the previous 12 months. For example, if an employee has taken 8 weeks of leave during the past 12 months, an additional 4 weeks of leave may be taken. If an employee has used 4 weeks beginning February 1, 4 weeks beginning June 1, and 4 weeks beginning December 1, the employee would not be entitled to any additional leave until after February 1, of the following year. See policy and procedure IV-8, 8a, Absence and Leaves for Personal Medical, Family Medical, and Parenting Reasons Under the Family Medical Leave Act.

The purpose of this policy is to provide additional paid time off that can be taken by the birth mother, parent, or **adoptive parent** to recover from childbirth, or to care for a new child as a result of childbirth or adoption. Any leave for parenting must be completed within 12 months of the date of birth or **placement of a child**. Utilizing **paid parental leave** will not have a negative impact on employment status and may be combined with other employee earned paid time off, i.e., paid sick and/or vacation time, to achieve the maximum amount of paid time off from work. Intermittent leave for parenting due to childbirth or adoption is subject to approval by the supervisor in consultation with Employee Relations. Employees who require intermittent leave or a reduced work schedule must try to schedule their leaves so that they will not disrupt the department's operations.

Overview of Benefit

Eligible employees may receive **paid parental leave** for any of the following up to a maximum of six (6) weeks of paid parental leave under this policy for birth mothers and **primary care givers** AND up to three (3) weeks of paid parental leave for other parents, including domestic partners, who are non-primary care givers as follows:

- ▶ Up to six (6) weeks paid parental leave to the **birth mother** to recover from childbirth and/or to care for and bond with the newborn within 12 months of birth; OR
- ▶ Up to six (6) weeks paid parental leave to the **primary care giver** to care for and bond with a newly **adopted** child within 12 months from placement.

AND IF APPLICABLE

- ▶ Up to three (3) weeks paid parental leave to the **other parent**, including a **domestic partner**, to care for and bond with a newborn child within 12 months of **birth**; OR
- ▶ Up to three (3) weeks paid parental leave to the **other parent**, including a **domestic partner**, who is not the primary caregiver to care for and bond with a newly **adopted** child within 12 months from placement.
- ▶ If both parents/partners are employees, the maximum paid parental leave for both employees together is nine (9) weeks (6 weeks for the birth mother or primary care-giver and 3 weeks for the other parent, including a domestic partner, who is not the primary care-giver).
- ▶ No more than 6 weeks of paid parental leave is provided per employee per birth or adoption event. The number of children born or adopted at the same time will not affect the length of the paid parental leave for that event.
- ▶ Employees on **paid** parental leave:
 - remain in their Benelect program according to Benelect plan provisions
 - continue to accrue service time toward benefits based on active service.
- ▶ Once paid leave is exhausted, employees may continue on unpaid leave if appropriate documentation has been submitted, up to a total leave time of twelve (12) weeks.

Employees on an **unpaid** leave:

- must have exhausted all paid parental leave, sick pay (birth mother), and vacation pay
- remain in the Benelect program for 12 weeks according to plan provisions,
- upon return to work, adjustments will be made to their paycheck for Benelect payments made on their behalf.

See policy and procedure **IV-8, 8a**, Administering Leaves for Personal Medical, Family Medical, and Parenting Reasons Under the Family Medical Leave Act.

Benefits for Birth Mothers, Categories 1, 2, and 3

FMLA-qualifying birth mothers are eligible to receive six weeks of paid parental leave after the birth of their child(ren). When the need for parenting leave is known, the birth mother must notify her supervisor and submit both the Leave of Absence (LOA) form and the Certificate of Health Care Provider (CHP) to Employee Relations thirty (30) days in advance of the leave.

Any leave which commences prior to delivery due to a serious health condition is considered personal medical leave and must be authorized by a health care provider. Paid parental leave will not be available for personal medical leaves taken prior to the birth or adoption of the **child**; the employee would be required to exhaust any available sick and/or vacation time before commencing an unpaid leave. In this instance, employees in categories 2 and 3 who are on a personal medical leave due to a serious health condition unrelated to childbirth should apply for Short Term Disability benefits once they have met the 2-week waiting period and have exhausted all their paid time off.

Birth mothers have the option of electing to use paid parental leave in addition to their sick and vacation time at any point after delivery during the leave.

As provided in policy and procedure IV-8, 8a, Administering Leaves for Personal Medical, Family Medical, and Parenting Reasons Under the Family Medical Leave Act, once the mother is released by her physician to return to work, she may take the parenting leave intermittently only with supervisor's approval in consultation with Employee Relations. Employees who require intermittent leave or a reduced work schedule must try to schedule their leaves so that they will not disrupt the department's operations. Intermittent time off will be paid parental leave or paid by sick and/or vacation; no unpaid intermittent time off may be taken until paid parental leave and sick and vacation are exhausted. Any parenting leave must be taken within 12 months of the child's birth.

Benefits for Other Parents (Including Domestic Partners) – Birth of Child, Categories 1, 2, and 3

Other FMLA-qualifying parents (including domestic partners) are eligible to receive three weeks of paid parental leave after the birth of their child(ren). When the need for parenting leave is known, the parent must notify the supervisor and submit the LOA form to Employee Relations thirty (30) days in advance of the leave. After delivery, parents (including domestic partners) must provide a copy of the proof of birth to Employee Relations. Any parenting leave must be taken within 12 months of the child's birth. Employees on an unpaid leave must have exhausted all paid parental leave and vacation pay. Parents (including domestic partners) may take the parenting leave intermittently only with supervisor's approval in consultation with Employee Relations. Employees who require intermittent leave or a reduced work schedule must try to schedule their leaves so that they will not disrupt the department's operations. Intermittent time off will be paid parental leave or vacation; no unpaid intermittent time off may be taken until paid parental leave and vacation are exhausted.

Benefits for Adoptive Parents, Categories 1, 2, and 3

FMLA-qualifying employees who legally adopt a child are eligible to receive paid parental leave. The **primary care-giver** may receive up to six weeks of paid parental leave to care for and bond with a newly adopted child(ren). In addition, the primary care-giver has the option to use up to six weeks of their unused sick days and vacation day balance. The non-primary care-giver may receive up to three weeks of paid parental leave to care for and bond with a newly adopted child(ren). Paid parental leave is limited to a total of nine weeks if both parents/partners are employees of Case (six weeks for the primary care-giver and three weeks for the non-primary care-giver). When the need for parenting leave is known, the adoptive parent must notify the supervisor and submit the LOA form to Employee Relations thirty (30) days in advance of the leave. Upon placement for adoption, adoptive parents must provide a copy of the proof of placement to Employee Relations. Any parenting leave for adoption must be taken within 12 months of the child's placement. Employees on an unpaid leave must have exhausted all paid parental leave, and vacation pay. Adoptive parents may take the parenting leave intermittently only with supervisor's approval in consultation with Employee Relations. Employees who require intermittent leave or a reduced work schedule must try to schedule their leaves so that they will not disrupt the department's operations. Intermittent time off will be paid parental leave or paid by sick days (primary care-giver) and/or vacation; no unpaid intermittent time off may be taken until paid parental leave and vacation are exhausted.

Policy Administration: Joint responsibility of supervisor with the Employee Relations Office.

References: Policy IV-6 Vacation Days, Policy IV-8, Absence and Leaves for Personal Medical, Family Medical, and Parenting Reasons Under the Family and Medical Leave Act, Administering Leaves for Personal Medical, Family Medical, and Parenting Reasons Procedure (IV-8a), Policy IV-9 and Policy IV-10, Sick Days During Absences for Personal Medical, Family Medical, and Parenting Reasons, Adoption Leave (IV-13).

INTERIM FACULTY PARENTAL LEAVE POLICY

The Parental Leave Policy for faculty provides for:

- Up to sixteen weeks (16 weeks) of paid parental leave during the academic year(s) for faculty primary caregivers, including guardians, to care for and bond with a newborn, adopted or foster child under the age of 6; the leave period is expected to be continuous unless other arrangements are agreed to by the parent/faculty member and Dean of his or her respective School
- Up to 3 weeks of paid parental leave for secondary caregivers and domestic partners to care for and bond with a newborn, adopted, or foster child
- Both a mother and a father, as well as both domestic partners, foster parents and guardians who are employees of CWRU can take this leave
- The parents shall designate which caregiver is the primary and which one is the secondary under the University paid parental leave policies
- The paid parental leave workload release will replace the current workload release policy of teaching and service. The new policy releases a faculty member from research, scholarship, teaching and service duties
- For purposes of the 16 consecutive weeks, for a faculty on a nine-month contract, the year is defined as the first day of classes in August to graduation in May; for faculty on a twelve-month contract the year extends from July 1 to June 30.

Procedure

- Up to a 16 weeks of continuous paid parental leave for the primary caregiver at 100% of the pay and benefits the faculty member would have received that semester if not on leave to allow for the care and bonding with a newborn, adopted, or foster child (or children, in the case of multiple births, adoptions, or multiple placements). At the option of the faculty member, the parental leave provided by the Policy may be taken during the semester in which a child is born, adopted, or becomes a foster child, across a portion of two semesters, or during any subsequent semester that begins no later than twelve months after the birth, adoption, or placement of a foster child or child under guardianship allowing for the relief of a sixteen week workload (equivalent to a semester).
- Up to 3 weeks of paid parental leave is also available for secondary caregivers, domestic partners, foster parents, guardians, or adoptive parents to care for and bond with a newborn, adopted, foster, or child placed in guardianship (or children, in the case of multiple births, adoptions or multiple placements) within twelve months of birth, adoption, or placement.
- The parents shall determine which caregiver is the primary and which is the secondary.
- The parental leave policy runs concurrently with the Family Medical Leave Act (FMLA) leave specified in the HR Policy Manual and the benefits afforded under this new policy meet or exceed the rights afforded under the FMLA, as described above. To be eligible for the Paid Parental Leave under this policy, a faculty member must meet the eligibility requirements for FMLA leave as provided in the FMLA policy in the HR Policy Manual. The benefits afforded under this Policy are not in addition to those offered by the FMLA.
- The parental leave policy can be used in combination with existing University non-FMLA policies sequentially (not concurrently). For example, a faculty member could request a leave in the event of medical complications for the mother or child or children during birth or adoption. This enables available approved leave to extend beyond sixteen weeks where necessary.
- The Policy will apply to all FTE faculty who are at least 50% time as defined by the Faculty Handbook, across all Schools and Colleges
- Faculty members on leave shall be relieved of their normal duties and responsibilities during the period of leave including research, scholarship, teaching, and service responsibilities. The pre-tenure period can be extended during this period as provided in the provision on pre-tenure extensions stated in the Faculty Handbook. Being on leave shall not adversely impact any employee evaluation.
- Paid parental leave is separate from sick days. Use of parental leave has no effect on any remaining leave time of the faculty member.
- For a new faculty member not eligible for FMLA leave, the University will seek to make appropriate leave accommodations through a process administered by the Provost.

Appendix 3

RUTH L. KIRSCHSTEIN NATIONAL RESEARCH SERVICE AWARDS

(from grants.nih.gov/grants/policy/nihgps_2012/nihgps_ch11.htm)

11.2.13.1 Leave

Vacations and Holidays. Kirschstein-NRSA fellows may receive the same vacations and holidays available to individuals in comparable training positions at the sponsoring institution. Fellows shall continue to receive stipends during vacations and holidays. At academic institutions, the time between semesters or academic quarters generally is considered an active part of the training period and is not considered to be a vacation or holiday.

Sick Leave and Other Leave. Kirschstein-NRSA fellows may continue to receive stipends for up to 15 calendar days of sick leave per year. Under exceptional circumstances, this period may be extended by the NIH awarding IC in response to a written request from an AOR. Sick leave may be used for medical conditions related to pregnancy and childbirth.

Parental Leave. Kirschstein-NRSA fellows may receive stipends for up to 60 calendar days (equivalent to 8 work weeks) of parental leave per year for the adoption or the birth of a child when individuals in comparable training positions at the sponsoring institution have access to this level of paid leave for this purpose. Either parent is eligible for parental leave. The use of parental leave requires approval by the sponsor.

Terminal Leave. A period of terminal leave is not permitted, and payment may not be made from grant funds for leave not taken.

Unpaid Leave. Individuals requiring extended periods of time away from their research training experience, that is, more than 15 calendar days of sick leave or more than 60 calendar days of parental leave, must seek approval from the NIH awarding IC for an unpaid leave of absence. A request letter must be submitted by the AOR on behalf of the fellow and must advise the NIH awarding IC of the dates of the leave of absence. Upon approval of the request, the NIH awarding IC will issue a revised NoA extending the ending date of the current budget/project period by the appropriate number of days or months of unpaid leave time. Recipients are precluded from spending award funds during the leave of absence; although continued coverage of health insurance would be allowable if in accordance with policy of the sponsoring institution.

During a leave of absence, documentation to suspend the award and/or the accrual of service for calculating the payback obligation must be completed and retained by the sponsoring institution. When the fellowship is eventually terminated, the leave of absence must be clearly documented on the Termination Notice.

Appendix 4

Frequently Asked Questions about GRFP Fellowship Terms and Conditions for NSF GRFP Fellows March 2012

(from www.nsf.gov/pubs/2012/nsf12062/nsf12062.pdf)

111. Is there Family Leave available? Yes. Medical Deferrals may be requested when an extended absence (more than one month) is necessary due to medical (mental or physical health) or dependent-care (family leave) situations. NSF considers dependent care to include child care, adoption, maternity/paternity leave, elder care, and extended family illness.

114. Is there a paid Medical Deferral option? For Fellows on Tenure with an NSF-approved Medical Deferral, there is a limited paid leave option: (1) If the GRFP Institution's graduate student leave policies allow for paid leave, those leave policies apply; or (2) In the absence of paid graduate student leave policies at the GRFP Institution, Fellows may continue to receive stipend payments for a period not to exceed three months total during the three Tenure Years. The three months may be broken up into shorter, monthly time frames across multiple Tenure Years (e.g., use of two months of Stipend under Medical Deferral in Tenure Year 1 and one month in Tenure Year 3).