

**University Policy Number 200.36**  
**MATERNAL/PARENTAL LEAVE**

**Responsible Administrator:** Office of the President

**Responsible Office:** Office of Human Resources

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**Authority:** Office of the President

**Policy Statement**

It is the policy of Claflin University to provide maternal/parental leave benefits to employees eligible for Family and Medical Leave Act (FMLA) leave. In accordance with the Family and Medical Leave Act of 1993, eligible employees are granted unpaid leave including that for the birth of a child or the placement of a child for adoption or foster care. In addition, Claflin University protects the rights and privileges of its employees by providing up to 12 weeks of **PAID** and/or **UNPAID** leave during any 12 consecutive months for certain family and medical reasons including maternal and parental leave.

**Statement of Purpose**

This policy establishes guidelines for administration of maternal/parental leave in compliance with applicable federal laws and regulations issued by the U. S. Department of Labor and state laws.

**Applicability/Eligibility**

This policy is applicable to all administrators, faculty, staff, and hourly employees with 12 months of service or 1,250 hours in the preceding 12 months. Employees must meet these requirements to be eligible for maternal and parental leave benefits under FMLA.

**Definitions**

- **Child** - A son or daughter means a biological, adopted, stepchild, or foster child who is under the age of 18 or age 18 or older and “incapable of self-care because of a mental or physical disability.”
- **Spouse** - a husband or wife as recognized under South Carolina law. It is noted that South Carolina recognizes common-law marriage; therefore, common-law spouses are covered.

**Maternal and/or Parental Leave with Pay**

Claflin University full-time 12 month employees who accrue sick leave and vacation leave may use their leave for maternal and parental purposes. Employees who exhaust their sick and/or vacation leave while on Family and Medical Leave will automatically be placed on leave without pay. Faculty members who do not accrue vacation or sick leave (those who are not employed on a 12-month basis) may

communicate with their department chair and dean to work out a collegial agreement on an individual basis. For example, a faculty member may consult with appropriate officials to ensure that classes are held as scheduled in their absence.

## **PROCEDURES**

The procedures noted by topic apply to maternal and parental leave.

### **Request for Leave**

Employees must request leave for maternal and parental leave through the "Request for Leave Application" process. In appropriate situations, the University reserves the right to place employees on Family and Medical Leave status without the leave application.

### **Purpose of the Leave**

The University shall grant up to 12 weeks of leave for maternal and parental purposes as follows:

- For the birth and care of a newborn child within 12 months of the birth or for placement of a child with the employee; and
- For adoption or foster care and to care for a newly placed child within 12 months of the placement

In addition, circumstances may require an expectant mother to take family and medical leave before the birth of the child for prenatal care or if her condition makes her unable to work. The period for taking leave based on birth, adoption, or foster care expires one year after the child is born or placed.

### **Length of the Leave**

An eligible employee is entitled to up to 12 weeks of unpaid leave during a 12-month period. Leave to care for a newly born or newly received child must be taken consecutively.

When both spouses are employed by the University, they are jointly entitled to a **COMBINED** total of 12 work weeks of family leave for the birth and care of the newborn child and for placement of a child for adoption or foster care.

### **Employee Responsibility**

Employees must submit their request for family and medical leave by completing the FMLA application at least 30 days before the family and medical leave is to begin. When a 30-day advance notice is not possible, the employee should provide as much notice as practical. Employees should notify the University within one or two working days of learning of the unexpected need for family and medical leave. When there is a medical emergency involving the employee or a member of the employee's family, or when the need for FMLA leave is not foreseeable, advance notice is not practical. In these instances, the employee or a family member should

notify the Office of Human Resources in person, by telephone, fax, or email of the circumstances requiring the leave. The FMLA Leave Form may be acquired from the Office of Human Resources.

### **Returning to Work**

The Family and Medical Leave Act normally gives an employee the right to return to his/her job when the family and medical leave has been completed. At the conclusion of the leave of absence under the FMLA, the employee is entitled to reinstatement to his/her former position or to a position equivalent to the former position. An employee who has taken leave due to the employee's serious health condition must obtain medical certification that he/she is able to resume work and must give reasonable notice of intent to return to work. An employee may **NOT** return to work until such certification is provided to the Office of Human Resources.

Key employees, salaried employees in highest paid 10% of all employees, may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

### **Termination of Reinstatement Rights and Employment**

An employee's right to reinstatement as set forth above will automatically terminate if the employee does not return to work in full active employment status to the position of reinstatement within or on the working day following the expiration of the leave of absence under the Family and Medical Leave Act.

Employment will automatically terminate if the employee does not return to active employment status with the University at the conclusion of the family and medical leave absence (12 weeks of entitlement). A further leave of absence may be granted under the section on Leave without Pay for Disability in the Staff Guidelines.

### **Compliance with Policy**

This policy shall be governed in accordance with the Policy on Family and Medical Leave, Claflin University Policy #200.12 and the section on Leave Without Pay for Disability in the University's Staff Guidelines. Please review these related guidelines for additional detailed information on benefits and eligibility; **especially, the FMLA policy regarding Verification of Employee's Need and Medical Certification.**

