

V:02:12 PARENTAL LEAVE

Purpose

This policy defines parental leave and provides a period of up to four (4) months of leave to eligible employees for adoption, pregnancy, childbirth and nursing the infant, where applicable, in accordance with T.C.A. Section 4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child.

Policy

1. Eligibility

Employees who have been employed by Volunteer State Community College for at least twelve (12) consecutive months as full-time employees, as determined by Volunteer State Community College are eligible for this leave. Subsequent references within this policy to an employee shall assume eligibility of that individual.

2. Relevant Policies

Upon receipt of a written request for parental leave, the Office of Human Resources will process the request in accordance with the provisions of this policy and the employee's eligibility for leave under VSCC Policy V:02:15 Family and Medical Leave. Reference may also need to be made to VSCC Policies V:02:07 Sick Leave, V:02:03 Leave of Absence and V:02:01 Annual Leave.

3. Notice; Employment Rights and Benefits; Reinstatement

Employees who give at least three (3) months advance notice to Volunteer State Community College of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.

Employees who are prevented from giving three (3) months advance notice because of a medical emergency which necessitates that leave begins earlier than originally anticipated shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.

Employees who are prevented from giving three (3) months advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.

Leave will be granted as paid or unpaid pursuant to the policies of the Tennessee Board of Regents. Such leave shall not affect the employees' right to receive annual leave, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights

of their employment incident to the employees' employment position. However, the employer need not provide for the cost of any benefits, plans or programs during the period of leave unless such employer so provides for all employees on leaves of absence.

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

The purpose of this policy is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable. Therefore, if the employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, the employer shall not be liable for failure to reinstate the employee at the end of such leave.

Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

4. Sick Leave

Use of accrued sick leave for adoption or childbirth is limited to thirty (30) days unless medical complications arise that fit ordinary rules regarding the use of sick leave.

In the event both parents are state employees, the aggregate amount of sick leave that may be used for childbirth or adoption is limited to thirty (30) working days following the birth of a child or placement for adoption.

In order to be eligible to use sick leave as parental leave, a statement from the attending physician indicating the expected date of delivery must accompany the request for leave. Additional information from the attending physician may be required if there are complications and the period of absence must begin sooner than agreed, extend further than agreed, or require the use of sick leave beyond the period beginning with the period of hospitalization and extending for thirty (30) work days following the birth of a child or placement for adoption.

After the employee's physician determines that the employee should be released, thus ending the period of sick leave, the employee may use accrued annual leave or leave without pay for the remainder of the four-month parental leave.

5. Annual Leave; Compensatory Time

Accrued annual leave and compensatory time may be used for the entire leave period.

6. Leave of Absence

When 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 in a leave of absence status. Refer to VSCC Policy V:02:03 Leave of Absence regarding continuation of insurance coverage for employees on unpaid leave of absence.

7. Family and Medical Leave

To be eligible for Family and Medical Leave (FMLA) which provides for up to twelve (12) work weeks of leave, an employee must have: (1) worked for the State at least twelve (12) months; and, (2) worked a minimum of 1250 hours during the year preceding the start of the leave.

Employees who are eligible for FMLA will have parental leave processed in conjunction with the provisions of VSCC Policy V:02:15 Family and Medical Leave regarding election of paid/unpaid leave, continuation of insurance coverage, etc. Parental leave and FMLA periods shall run concurrently.

At the end of the FMLA period, an employee is also entitled to receive the difference between the four months granted under this policy and the (12) workweeks granted under FMLA. Accrued annual leave or leave of absence may be used for the remainder of the parental leave period.

During work weeks that an employee takes leave designated as FMLA, the employer is responsible for paying the employer's portion of the employee's insurance premium, whether the leave is paid or unpaid. Employees who choose to take any unpaid leave over the amount to which they are entitled under FMLA should be made aware that they will be responsible for paying the employer's portion of the insurance premium for the remainder of the leave period if they wish to ensure continued coverage.

TBR Source: 5:01:01:01:TBR Board Meeting: August 15, 1975, June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 16, 1988; March 17, 1989; March 16, 1990; June 25, 1993; April 2, 2004 (Approved by Finance and Administration, April 23, 2004); December 7, 2007 (Approved by Finance and Administration, January 23, 2008) Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only.

5:01:01:03: TBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 22, 1989; December 15, 1995; March 15, 2002 (Finance and Administration approved April 11, 2002); September 25, 2008 Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only.

5:01:01:07: SBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 16, 1988; March 17, 1989; June 30, 1989; December 15, 1995; March 29, 1996 (Finance and Administration approval November 13, 1996); September 20, 1996 (Finance and Administration approval December 4, 1996), June 25, 1999 (Finance and Administration approval November 1999), October 24, 2001 (Finance and Administration approval December 18, 2001); September 25, 2009; June 28, 2012 Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only.

5:01:01:08: Authority: T.C.A. Section 4-21-408, Acts 2005, ch. 224, sec. 1.]. The above Policy 5:01:01:08 Paternal Leave supersedes 5:01:01:02 Adoptive Parents Leave, 5:01:01:08 Maternity Leave, and 5:01:01:16 Paternity Leave TBR Board Mtg. December 2, 2005; June 24, 2010.

5:01:01:14: TBR Meeting, June 25, 1995 (Finance and Administration approval January 17, 1996); TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting June 26, 2008; TBR Meeting March 25, 2010 (Complete Revision)

VSCC Source: March 23, 1999, President; January 6, 2009, President's Cabinet; July 13, 2012, President; September 7, 2016, President;