

**MEMORANDUM**

**To:** Board of Regents  
**From:** Board Office  
**Subject:** Policy on Leave for the Arrival of Children  
**Date:** June 9, 2003

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**Recommended Action:**

Receive and consider the request of the University for the approval of a policy on leave for the arrival of children (Attachment A).

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**Executive Summary:**

University community consulted	The University has engaged in consultation with its faculty and Professional and Scientific (P&S) staff concerning a proposed new policy on Leave for Arrival of Children (LAC). Attachment A
Faculty and P&S would be provided six weeks leave for arrival of a child	Based on anticipated needs for recruitment and retention of faculty and P&S staff, the University administration recommends approval of the policy for faculty and P&S staff which will provide six weeks of paid leave for arrival of a child either by birth to the employee, the employee's spouse, or the employee's domestic partner or by adoption within the same relationship as birth.
Work plan required	The use of LAC requires an approved work plan developed by the employee and the employee's supervisor to ensure a mutual understanding of the parameters of the leave.  Use of the leave requires that an employee taking the leave have reduced the employee's sick leave and vacation accumulation to not more than forty hours before beginning the leave. (See Scenarios -- Attachment B)
Three year trial with evaluation	The leave would be provided in a three-year trial with the Board provided information to evaluate the leave at the end of the third year.
LAC in addition to other leaves	This paid leave is in addition to any other leave for which an employee may be eligible as a result of the arrival of a child including that provided by the federal Family Medical Leave Act (FMLA).

\$150,000 additional cost      The University estimates the additional cost of providing this new leave at \$150,000 per year.

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**Background:**

LAC consistent with AAUP principles      The University is interested in developing family-friendly policy to help faculty and Professional & Scientific (P&S) staff combine family and work commitments. The University reports the proposed plans are consistent with the American Association of University Professors (AAUP) "Statement of Principles on Family Responsibilities and Academic Work".

LAC helps ISU meet strategic plan diversity goal      With increasing numbers of women, single-parent, and dual career couples being recruited, the University believes the LAC policy will be instrumental as a recruitment, retention, and management tool. It will aid the University in meeting its strategic plan goal of increasing the diversity of faculty and staff by creating a more flexible work environment.

Anticipate use by 100 faculty and P&S staff at additional cost of \$150,000 per year      The University anticipates that 100 faculty and P&S staff will be eligible for the LAC each year at an additional cost to the University of \$150,000 per year. The LAC requires that an employee utilizing the leave will have completed a work plan with the employee's supervisor. The LAC requires that the employee have reduced the employee's combined sick leave and vacation account to not more than forty hours prior to the University providing paid days of leave under the LAC.

University cost-benefit analysis favors LAC policy      The University believes the cost associated with the LAC policy, which will be shared among all departments and central administration, will be offset by the savings created through the retention of promising young faculty and staff.

**Items for the Board to Consider**

University provides good reasons for LAC      The University has made a reasoned case for providing the LAC benefit. It is not surprising that faculty and staff would find it desirable. Clearly, recruitment of top quality faculty and P&S staff is a priority issue for the Board and the University. The LAC policy undoubtedly would be a useful tool in recruiting and retention, particularly if approved not as a three-year trial but as a permanent program.

**Other factors to consider**      In addition to the many positive aspects of the LAC benefit, the Board may wish to consider other items as follows:

Factors in cost      1. **Factors in cost calculation.** Interinstitutional consultation on the LAC revealed greatly varying estimates of the cost of providing such a leave based on the method used to calculate the cost. Iowa State University indicated in consultation that it anticipated most eligible male employees would not use the leave.



- SUI experience      The University of Iowa (SUI) considered that all eligible employees would use the leave. For SUI employees (faculty, P&S, merit system, and institutional administrators) to have an additional five days of paid leave for the birth of a child the cost would be \$280,000 per year. Considering the size of employee groups and salaries at SUI, the faculty and P&S cost for this additional five days would be about \$210,000. With the SUI population for this group slightly more than twice the size of ISU's, SUI would have anticipated a cost of approximately \$100,000 for this staff for five days of leave. SUI considered that when a husband and wife or domestic partners had a child arrive, both would use the LAC. ISU appeared not to have considered this a likely circumstance.
- Expansion to other employee groups      2. **Benefit to other State employees.** The last new benefit (domestic partner health insurance) provided by the Board to one institution for its faculty and P&S staff became a benefit for all State employees by the conclusion of collective bargaining for the next biennium. Notwithstanding the fact the LAC is proposed as a three-year trial, the Board will be acknowledging its benefit to employees in balancing work and family life. The Board will not control the availability of this benefit to employees in the Regent Merit System and State employees covered by collective bargaining agreements negotiated by the State. And, while the Board could resist providing the benefit to Regent employees for which it is the bargaining representative, an arbitrator could order the benefit be provided to represented faculty at UNI, to represented P&S employees at UIHC, and to represented graduate research assistants at SUI.
- All balance work and family life      3. **All employees balance work and family life.** As a corollary to item #2, one can conjecture that an arbitrator would have no difficulty recognizing that all employees balance work and family life and deserve this type of benefit if the Regents believe it is valuable for faculty and P&S employees.
- Employee rights if LAC terminated      4. **Rights of employees at termination of LAC.** If, at the end of the three-year trial, the Board were to determine that it did not wish to continue the LAC at ISU there would be an issue to resolve surrounding employees who were recruited or retained because of the LAC who either were in the process of adoption to be culminated in the fourth year of the program or who became pregnant during the third year of the program with delivery anticipated in the fourth year.
- Balancing fiscal concerns      5. **Balancing fiscal concerns, tuition increases, and benefits.** Some constituents may ask if this is the appropriate time, considering fiscal concerns and tuition increases, to increase any benefits for employees.
- Similar programs elsewhere      6. **Marketplace.** The University has not identified other universities, either in its peer group or nationally, that offer a form of LAC. Neither has information concerning other types of employers offering this benefit been provided.

7. **Sick Leave Use by Males.** The requirement concerning sick leave use by males prior to using LAC may be inconsistent with State law.
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**Analysis:**

The University has justified its request for the LAC benefit based on its need to recruit bright young faculty and to increase the diversity of the campus. However, there are issues other than those raised by the University which the Board may wish to have the University address prior to making a determination to offer the LAC at the University.

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 Approved:   
Charles Wright Gregory S. Nichols

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## **Policy on Leave for the Arrival of Children**

Iowa State University

Text to be added to the *Office Procedure Guide*, Chapter 3:

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### **Leave for the Arrival of Children**

In addition to rights employees have under the Family and Medical Leave Act (FMLA), eligible employees of Iowa State University may take up to six weeks of paid leave (or partial paid leave up to twelve weeks) to support the arrival of children by birth or adoption. The employee must use vacation leave and sick leave according to University policy down until a balance of 40 hours of combined sick and vacation leave remains. In conjunction with the Leave for the Arrival of Children ("LAC") the employee and his or her supervisor enter into a work plan designed to meet the needs of the employee and the department or unit. Such a plan may provide for partial leave and arrangements to work at home.

### **Eligibility and Applicability**

The following classifications of employees are eligible:

1. Tenured and tenure-eligible faculty
2. Full time adjunct and non-tenure-track faculty on at least three-year appointments
3. Full time continuous P&S employees and full time P&S employees on contracts of at least three years
4. Other full time P&S employees upon completion of least twelve months of contiguous prior employment.

For purposes of this policy, "full time" means scheduled employment at full-time for nine months or more, or a three-quarter's appointment or greater for the whole year.

Employees who have not worked long enough to qualify for FMLA may still be eligible for LAC. If the University employs both parents, both are eligible.

The leave may be taken for birth of a child to the employee or the employee's spouse or domestic partner, or adoption by the employee of a child under 6 years of age. The leave must conclude within 12 months of the birth or arrival of the child. The employing unit, with approval of the Provost, may grant leave for adoption of a child from 6 to 17 years of age upon a showing of special need.

### **Use of Leave**

Paid LAC may be used for six weeks of full leave, or up to 12 weeks of partial leave at half-time or more. The six weeks of leave will not extend the terminal date of employment, whether occurring because of the end of the employment term or employment action in accordance with University policy.

Attachment A

As a condition of receiving LAC the employee agrees to use sick leave and/or vacation leave (including converted sick leave) up to the point where the combined balance of forty hours of sick leave and vacation leave is reached. The employee should designate any preference in use of the leave. When using sick leave, the employee may designate only the amount of sick leave allowed under current University policy.

If the eligible employee is also eligible for FMLA leave, FMLA leave will begin immediately. Upon completion of the employee's FMLA leave rights, ISU offers an additional 6 weeks of leave with rights to return to the employee's position or comparable position. An FMLA-eligible employee, therefore, may have up to 18 weeks of leave depending on the amount of FMLA time the employee has available. However, through this policy ISU will assure the employee is in paid status for the first 6 weeks (12 weeks for partial leave) of the FMLA leave. If the employee does not have sufficient accrued leave so as to maintain a combined 40 hour sick and vacation leave balance at the end of the six week (12 weeks for partial leave) period, the employee will retain the 40 hour leave balance, and ISU will provide paid leave for the balance of the 6 weeks (12 weeks for partial leave). After the initial six-week paid LAC period, additional leave will be paid only to the extent the employee has sufficient accrued leave.

If the LAC-eligible employee is not eligible for FMLA leave, the six weeks of LAC, paid in the manner described above, begins immediately.

For information on ISU's FMLA policy, see Office Procedure Guide §3.5(4).

### **Work Plans**

To assure that consideration is given to the employee's career and family needs while allowing the employing unit to manage workload during the employee's absence, each leave must be accompanied by a work plan.

Employees should meet as soon as possible with their supervisor to indicate the need for leave, and provide a proposed work plan showing anticipated length of leave, any inclusion of part-time work, proposed use of paid and unpaid leave, provisions for regular contact with the chair/director/supervisor and department, and needs for computing or other facilities or equipment. The plan must provide for regular contact between the employer and supervisor. Tenure track faculty members are entitled to extension of the probationary period as provided in the *Faculty Handbook*.

Employees must have prior permission from their department chair or director for any compensated outside work during the period of the leave.

The plan may be amended by mutual agreement. Subsequent changes in the medical condition of the employee or employee's family may require amendment of the plan to meet FMLA or other requirements.

## Effective Date

The Policy on Leave for the Arrival of Children shall be effective July 1, 2003.

### **Review**

This policy is being implemented on a three-year trial basis, and will be reviewed in the spring of 2006.

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[Note: Additional guidance will be provided through a set of guidelines.]

SCENARIOS FOR USE OF LEAVE FOR THE ARRIVAL OF CHILDREN (LAC)		B Base Faculty		A Base Faculty and P & S on continuous appointment or contract of 3 or more years	
		Current	Proposed	Current	Proposed
Birth of a child - employed > 1 year - female employee	Eligible for FMLA	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks
	Use of sick leave	Up to accrued amount	Up to accrued amounts *	Up to accrued amounts	Up to accrued amounts *
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts	Up to accrued amounts *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by sick leave - up to 6 weeks	N/A	Balance not covered by sick leave and vacation accruals - up to 6 weeks
Birth of a child - employed > 1 year - male employee	Eligible for FMLA	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks
	Use of sick leave	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts	Up to accrued amounts *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by emergency leave - up to 6 weeks	N/A	Balance not covered by emergency leave and vacation accruals - up to 6 weeks
Birth of a child - employed > 1 year - domestic partner	Eligible for FMLA	No (FMLA does not apply to domestic partners)	No (FMLA does not apply to domestic partners)	No (FMLA does not apply to domestic partners)	No (FMLA does not apply to domestic partners)
	Use of sick leave	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts	Up to accrued amounts *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by emergency leave - up to 6 weeks	N/A	Balance not covered by emergency leave and vacation accruals - up to 6 weeks
Adoption of child - employed > 1 year, male or female	Eligible for FMLA	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks	Yes - up to 12 weeks
	Use of sick leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts, max in first year = 192 hours	Up to accrued amounts, max in first year = 192 hours *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by adoption leave - up to 6 weeks	N/A	Balance not covered by sick leave and vacation accruals - up to 6 weeks



SCENARIO	Benefit	B Base Faculty		A Base Faculty and P & S on continuous appointment or contract of 3 or more years	
		Current	Proposed	Current	Proposed
Birth of a child - employed > 1 year - female employee - spouse is also ISU employee	Eligible for FMLA	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees
	Use of sick leave	Up to accrued amount	Up to accrued amounts *	Up to accrued amounts	Up to accrued amounts *
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts	Up to accrued amounts *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by sick leave accruals - up to 6 weeks	N/A	Balance not covered by sick leave and vacation accruals - up to 6 weeks
Birth of a child - employed > 1 year - male employee - spouse is also ISU employee	Eligible for FMLA	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees
	Use of sick leave	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member	Up to 5 calendar days/ year emergency leave for care of a family member
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts	Up to accrued amounts *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by emergency leave accruals - up to 6 weeks	N/A	Balance not covered by emergency leave and vacation accruals - up to 6 weeks
Adoption of child -> employed > 1 year, male or female - both are ISU employees	Eligible for FMLA	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees	Yes - but up to 12 weeks combined for both employees
	Use of sick leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave	Up to 5 calendar days/ year adoption leave
	Use of vacation	Does not accrue vacation	Does not accrue vacation	Up to accrued amounts, max in first year = 192 hours	Up to accrued amounts, max in first year = 192 hours *
	Leave for Arrival of Children (LAC)	N/A	Balance not covered by adoption leave - up to 6 weeks	N/A	Balance not covered by adoption leave and vacation accruals - up to 6 weeks

\* The employee must use vacation leave and sick leave according to University policy down until a balance of 40 hours of combined sick and vacation leave remains