

VIRGINIA MILITARY INSTITUTE  
Lexington, Virginia

GENERAL ORDER)  
NUMBER 89)

26 August 2021

**A/P & T/R Parental Leave Policy**

**1. Purpose**

The purpose of this policy is to provide eligible employees with up to eight (8) weeks of paid parental leave to be used within six (6) months of the birth of an infant or adoptive, foster, or custodial placement of a child under the age of eighteen (18).

**2. Applicability**

This policy applies to all full-time Teaching and Research (T/R) and full-time Administrative and Professional (A/P) faculty. Parental Leave for full-time classified employees is handled in accordance with *DHRM Policy 4.21 Parental Leave*.

**3. Policy**

Full-time T/R and A/P Faculty that meet the eligibility criteria can use eight (8) weeks of paid Parental Leave for any of the following reasons:

- To give birth, to care for, and bond with a newborn child
- To care for and bond with a child placed with the employee through adoption or foster care or a legal custodial arrangement
- To supplement reduced income replacement disability benefits following the birth of an infant

**4. Eligibility Criteria**

Employees who become parents via birth, adoption, or foster or custodial care must meet the following criteria to be eligible for Parental Leave:

- Employee is in a benefits eligible full-time T/R or A/P position.
- Employee is eligible for leave under the Family and Medical Leave Act (FMLA), which requires that individuals must be employed by the Commonwealth for a minimum of twelve (12) consecutive months and must have worked for at least 1,250 hours in the previous 12-month period. For the purposes of calculating hours worked, A/P and T/R Faculty are assumed to work 40 hours period week during their contract period. Time on leave does not count towards the 1,250 hour requirement.
- Employees must be in a paid status to use Parental Leave

Eligibility determinations are made as of the date that the child is born or placed via adoption, foster or custodial care.

An employee who is not eligible for Parental Leave on the date of birth or placement may become eligible during the following six (6) months and access Parental Leave once eligibility requirements are met.

If both parents work for the Institute and meet the eligibility criteria, each is entitled to up to eight (8) weeks of parental leave which may be taken concurrently, consecutively, or at different times. If the employees work in the same department, the employees may be required to stagger or otherwise coordinate their periods of leave to minimize the disruptive effect of leave on the department.

## **5. Leave Usage**

The following guidelines describe how Parental Leave should be used:

- Parental Leave should be used continuously. Employees may request intermittent use of parental leave, but that request is subject to senior executive approval.
- Unused Parental Leave is forfeited six (6) months from the date of the birth/placement
- Parental Leave shall only be taken once in a 12-month period and only once per event.
- For T/R Faculty, Parental Leave must be taken in one semester. Exceptions must be approved by the Deputy Superintendent for Academics and Dean of the Faculty.
- Parental Leave shall be provided at 100 percent of the eligible employee's regular salary.
- Parental Leave shall run concurrently with leave provided under the Family and Medical Leave Act (FMLA), Virginia Sickness and Disability Program (VSDP), and maternity leave, if the employee is eligible.

## **6. Employee Responsibility**

Employees shall submit a written request for Parental Leave to their supervisor at least ninety (90) calendar days prior to the anticipated leave begin date or as soon as practicable.

An employee must comply with his or her department's leave request procedures, absent unusual circumstances. Failure to do so may be grounds for delaying or denying an employee's approval for parental leave.

## **7. Eligibility Certification**

The department may require documentation of the birth or placement in order to approve Parental Leave. Collection of documentation shall be coordinated through the Human Resources Office.

Official documents that will be considered, but may not be limited to, are: a report of birth, a birth certificate, an order of parentage, an adoption order, certified DNA test results, a custody order, and a foster care placement agreement. Documents provided should show date of birth and date of placement if placement was other than the date of birth.

**8. Employer Responsibility**

Upon receiving a request for Parental Leave and documentation of the birth or placement, the department must notify the employee of his or her eligibility status within five (5) business days.

**9. Interpretation**

The authority to interpret this policy rests with the Superintendent and can be delegated at his discretion.

**10. Effective Date**

The effective date of this General Order is 01 January 2020. Birth or placement must occur on or after effective date to be covered by this policy.

FOR THE SUPERINTENDENT:

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Acting Chief of Staff

OPR: Human Resources