Parental, Maternity-related, Medical, Family, and Personal Leave Policies
for Teaching Staff Members of Oberlin College

April 29, 2008

This document incorporates provisions of the Family and Medical Leave Act (FMLA), under which eligible employees may take up to 12 weeks of unpaid leave in any 12-month period for (1) the birth of a child and care for the newborn; (2) the placement of a child with an employee for adoption or foster care; (3) a serious health condition that makes the employee unable to perform the functions of his or her position; or (4) the care of a spouse, child, or parent with a serious health condition.

Definitions:

“Eligible teaching staff member” means persons holding appointments of Instructor, Lecturer, Teacher, Assistant Professor, Associate Professor, or Professor, as well as all Clinical Faculty in the Conservatory of Music, for a term of at least three years in a continuing faculty position of half time or more, or who have been employed at Oberlin College in a non-continuing position of half time or more for at least three years and who has served at the college for at least one year.

(NOTE: Employees who are not eligible for paid leaves under this policy may, however, qualify for unpaid parental, family, and medical leaves, as required by the FMLA.)

“Spouse” means married by law as well as a qualified domestic partner as defined in the Oberlin College Faculty Guide.

“Child” means a biological child; an adopted child; a stepchild who lives with the teaching staff member; a foster child placed by a licensed agency; a grandchild, niece or nephew who resides in the teaching staff member’s household and is dependent on him/her for support according to the Internal Revenue Code; the child of a spouse who lives with the teaching staff member; and who is unmarried and is either under the age of 18 or over 18 if the child is incapable of self-care due to mental or physical disability.

“Infant” means a child under the age of one year.

“Adopt” means either legal adoption under Ohio law or the assumption of legal custody under Ohio law for a child with the intention to adopt.

“Family member” means an employee’s spouse, child, or parent (but not the parent of a spouse or qualified domestic partner). A “parent” means any individual who assumed the day-to-day and financial responsibilities for the employee when the employee was a child, even if the person was not the biological or adopted parent or legal guardian.
A “serious medical condition” means an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment of more than two weeks duration following inpatient care in a hospital, hospice, or residential care facility; or continuing treatment by or under the supervision of a health care provider for a chronic or long-term condition of disability that is incurable; or prenatal care.

A “health care provider” means a licensed physician, podiatrist, dentist, clinical psychologist, psychiatrist, optometrist, physician assistant, nurse practitioner and nurse midwife performing within the scope of their licenses as defined under state and federal regulations.

A “rolling 12-month period” is a 12-month period measured backward from the date an employee uses FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months. As each new day is added to the 12-month period, one day 12 months ago is eliminated. Example: Larry takes four weeks of FMLA leave beginning on February 1, 2006, three weeks beginning June 1, 2006, and five weeks beginning December 1, 2006. Larry is not entitled to any additional leave until February 1, 2007. On February 1, 2007 he would be entitled to four weeks of leave; on June 1, 2007 he would be entitled to three additional weeks of leave; etc.

Maternity leave

An eligible teaching staff member who has served at the College for at least a year and who gives birth to a child may take a one-semester paid leave beginning within 4 months of the birth. When there is sufficient advance notice of the date of delivery to take this into account, the semester of paid leave will be the one with the smaller load assignment in the academic year. In this case, the minimum teaching expectation for a full-time faculty member under current teaching load expectations would be three courses. In the event that the college goes to a 4.5 or 4 course teaching load, the semester of paid leave will be one with at least 2 courses, assuming there is enough advance notice of the date of delivery to take this into account. When the eligible teaching staff member is appointed for less than full-time, and there is sufficient advance notice of the date of delivery to take this into account, the semester of paid leave will be the one with the smaller number of courses.

A teaching staff member who takes a maternity leave may also take an additional semester of unpaid leave.

If the leave is taken in the fall semester, it will include winter term; if it is taken in the spring semester it will not include winter term.

During the leave, the teaching staff member is relieved of all committee service, advising, and other departmental obligations. This leave is concurrent with FMLA leave.
The birth of more than one child from the same pregnancy constitutes one birth for the purposes of this policy.

**Adoption Leave**

An eligible teaching staff member who adopts an infant or whose spouse adopts an infant and either has no spouse or has a spouse who works full time but is not entitled to a paid adoption leave is entitled to a **one semester paid leave** beginning within 4 months of the adoption. The adoption of more than one child on the same day constitutes one adoption.

Where both parents are eligible teaching staff members, only one of them may take an adoption leave.

**Parental leave**

In the event of the birth of a child or the adoption of an infant, a parent who is an eligible teaching staff member but who is not eligible for a maternity leave is entitled to **one course release** beginning within 4 months of the birth or adoption.

Where both parents are eligible teaching staff members, only one of them may take a maternity leave or a parental leave.

**Maternity-related medical leave**

If an eligible teaching staff member cannot perform her normal duties due to medical complications arising from her pregnancy or childbirth, she is entitled to medical leave in accordance with the medical leave policy below.

**Medical leave**

An eligible teaching staff member is entitled to as much as **180 days of paid medical leave** within a rolling 12-month period if a serious medical condition makes him/her unable to perform his/her teaching duties and obligations of faculty citizenship. Such a leave may be taken on an intermittent basis or on a reduced leave schedule when medically necessary. After this, if he/she is still unable to perform his/her duties, the teaching staff member must apply for long-term disability leave.

A supporting letter from a licensed physician must accompany an application for medical leave.

**Family leave**

An eligible teaching staff member is entitled to **12 weeks of unpaid leave** within a rolling 12-month period to care for a family member with a serious medical
condition. Such a leave may be taken on an intermittent basis or on a reduced leave schedule when medically necessary. This leave is concurrent with FMLA leave.

**Personal leave**

An eligible teaching staff member is entitled to a maximum of **12 weeks of unpaid FMLA leave** within a rolling 12-month period. Eligible staff may submit a request for additional unpaid personal leave to the Divisional Dean. The granting of such a request is at the discretion of the Divisional Faculty Council.

**Effect on probationary appointment and tenure review**

An eligible teaching staff member who is a new parent during his/her period of probationary appointment and has received a maternity or parental leave will automatically receive an extension of one year on his/her probationary period of appointment.

**Reporting requirements**

Request for a Maternity, Parental, Adoption, Maternity-related medical, Medical, or Family leave should be made in writing to the appropriate divisional Dean. When the leave is foreseeable, the teaching staff member must provide as much advance notice as possible of the intent to take such a leave. When the leave is not foreseeable, the teaching staff member must provide notice as soon as possible—usually within two business days of learning of the need for the leave. The teaching staff member should provide the Dean with the approximate dates when such leave will begin and end.

The teaching staff member requesting a Maternity, Parental, Adoption, Maternity-related medical, Medical, or Family leave should meet with the Chair of his/her department as soon as possible to discuss the potential impact of his/her absence on the department’s teaching program.

All written requests for leave should be copied to the Compensation Manager of Human Resources. The Compensation Manager will provide the teaching staff member and divisional dean with the appropriate insurance and payroll information as well as the necessary forms for timely submission.

**Leave replacement**

Departments may request to the appropriate divisional faculty council a replacement for a teaching staff member who elects to take a Maternity, Parental, Adoption, Maternity-related medical, Medical, or Family leave. The College will make every effort to fully replace such leaves, whether paid or unpaid.