



OLD DOMINION UNIVERSITY

University Policy

Policy #6053

PARENTAL LEAVE POLICY

Responsible Oversight Executive:	Vice President for Talent Management and Culture
Date of Current Revision or Creation:	August 8, 2022

A. PURPOSE

The purpose of this policy is to recognize the benefits to employees and their families of meaningful bonding time upon the birth or placement of a child by establishing paid parental leave. This paid leave enhances the family-friendly practices already in place and provides an additional tool for talent acquisition and retention that supports a diverse, capable, and engaged workforce.

This policy also formally expands eligibility for this paid leave to teaching and research faculty and administrative and professional faculty at Old Dominion University.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Family and Medical Leave Act \("FMLA"\)](#)

[Fair Labor Standards Act \("FLSA"\)](#)

[Virginia Sickness and Disability Plan \("VSDP"\)](#)

[Executive Order #12 \(2018\) - Parental Leave for Commonwealth Employees](#)

[Department of Human Resource Management \("DHRM"\) Policy #4.21- Parental Leave](#)

C. DEFINITIONS

Access to Parental Leave – An eligible employee who has provided the appropriate documentation may charge parental leave beginning on the date of birth of an infant or date of an adoptive, foster, or custodial care placement of a child. Parental leave expires six (6) months after the birth or placement.

Adoption - The act of legally and permanently assuming the responsibility of raising a child as one's own.

Administrative and Professional (AP) Faculty - Employees who perform work directly related to the management of the educational and general activities of the institution, department or subdivision or whose professional positions serve the educational, research, athletic, medical, student affairs, and development functions or activities of the institution.

Child – A newborn biological child or a newly-placed adopted, foster, or custodial child under the age of eighteen.

Classified Employee - A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position.

Custodial Care – A placement authorized by a judgment, decree, or other order of a court providing for the legal and physical custody of a child.

Foster Care – The act of temporarily assuming the responsibility of daily care and supervision for a child removed from his or her birth family home due to issues endangering their health and/or safety. Parental leave may be used for temporary arrangements made through local departments of social services with the intent of reuniting the child with his/her birth family if possible.

Parent – Legally recognized biological, adoptive, foster, or custodial parent

Restricted Classified Employee - A classified position with at least 10% of its funding from non-continuous or non-recurring funding sources, such as grants, donations, contracts, capital outlay projects, or higher education auxiliary enterprise revenues. Employees in restricted positions have no guarantee of employment for a particular term and may be terminated in accordance with the policies of the Department of Human Resource Management (DHRM). Certain provisions of the Layoff Policy do not apply to employees in restricted positions.

Teaching and Research Faculty - Employees whose work assignments primarily involve instruction, research, and scholarly activities, and who hold academic rank/titles.

Wage Employee - A non-salaried employee who receives pay for hours worked and is not covered by the provisions of the [Virginia Personnel Act](#). Wage employees are sometimes referred to as hourly employees. Wage employees have no guarantee of employment for a particular term or a particular daily or weekly work schedule; they serve at the will of the designated hiring official and may be terminated at any time.

D. SCOPE

This policy applies to all eligible employees of the University. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University.

E. POLICY STATEMENT

The University will provide eligible employees (teaching and research faculty, administrative and professional faculty, and classified and restricted staff) with up to eight (8) weeks (320 hours) 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).

F. GENERAL PROVISIONS & PROCEDURES

1. An eligible employee who has been employed by the Commonwealth for a minimum of twelve (12) consecutive months is eligible for parental leave.
2. Following the birth, adoption, or foster placement of a child younger than 18 years of age:
 - a. An eligible employee will receive eight (8) weeks (320 hours) of parental leave; and
 - b. If both parents are eligible employees, each shall receive eight (8) weeks (320 hours) parental leave.
3. Parental leave shall be taken within six (6) months following the birth, adoption, or foster placement of the child.
4. Parental leave shall only be taken once in a 12-month period and only once per child.
5. Parental leave shall be provided at 100% of the eligible employee's regular salary.
6. Parental leave shall be used in one continuous period of time. This leave may not be used intermittently.
7. Unused parental leave is forfeited six (6) months from the date of the birth/placement.
8. Parental leave shall not be counted against an eligible employee's annual or sick leave.
9. Legal holidays listed in [§ 2.2-3300 of the Code of Virginia](#) shall not be counted against parental leave.
10. Parental leave shall run concurrently with leave provided under the FMLA.
11. Parental leave may run concurrently or sequentially with VSDP if the employee is eligible for VSDP.
12. Parental Leave shall run consecutively with applicable University leave policies if the employee is non VSDP.
13. This new leave policy may affect any existing leave, course relief, tenure clock, temporary change in duty policies applicable in the Old Dominion University [Teaching and Research Faculty Handbook](#) and/or [Administrative and Professional Guidebook](#). This leave granted in this policy will be in addition to any leave granted within these documents.
14. Unused parental leave is not compensable if an employee separates from Commonwealth employment or moves to a position not applicable to this policy.
15. Parental leave terminates at the conclusion of the foster or custodial care placement or within six (6) months of the placement, whichever comes first.

ELIGIBILITY

All full-time teaching and research faculty, administrative and professional faculty, part-time faculty, wage and classified staff employed at the University or the Commonwealth of Virginia who become parents via birth, adoption, or foster or custodial care must meet the following eligibility requirements to receive paid parental leave:

Employee must be eligible for leave under FMLA:

- Is in a full-time, quasi-full-time, or part-time salaried (and meeting all FMLA regulatory requirements) position upon the birth or placement of the child;
- Must have been employed by the Commonwealth for a minimum of twelve months in the past seven years; AND
- Must have worked for at least 1,250 hours in the previous 12-month period.

Eligibility determinations are made as of the date that the child is born or placed via adoption or 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 he/she meets the eligibility requirements.

If both parents work for the Commonwealth and meet the eligibility criteria, each is entitled to up to eight weeks (320 hours) of parental leave per 12-month period following a birth, placement for adoption, or foster care.

EMPLOYEE RESPONSIBILITIES

An employee must give 30 days' advance written notice to the supervisor of the request to take parental leave when it is foreseeable for the birth or placement of a child for adoption or foster care. This written request is made via completion of the ODU [Parental Leave Request Form](#). When it is not possible under the circumstances to provide advance notice, the employee must also notify the supervisor according to the University's and/or department's usual and customary leave of absence notification requirements.

Failure to do so may be grounds for delaying or denying an employee's approval for parental leave.

The employee must notify the supervisor as soon as practicable about any changes to the leave dates.

The employee is also responsible for reporting leave taken in WTE or the appropriate reporting method for his/her leave status as required by the Payroll Office.

SUPERVISOR'S RESPONSIBILITIES

Supervisors and managers are responsible for notifying the Department of Human Resources immediately upon request for or notification of an employee's request for parental leave. The Department of Human Resources will provide formal notification to the employee. The Department of Human Resources must be notified of any change in the employee's status as soon as the supervisor is notified. The supervisor is responsible for timely submission of leave taken via WTE.

DEPARTMENT OF HUMAN RESOURCES RESPONSIBILITIES

The Department of Human Resources is responsible for administering the University's parental leave policy. Responsibilities include notifying all employees of the Parental Leave policy, designating parental leave coverage, and maintaining all related documents and forms.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICER

Assistant Director for Benefits Services, Division of Talent Management and Culture

I. RELATED INFORMATION

[Department of Human Resource Management Leave Policies](#)
[University Policy 6050 – Family and Medical Leave Act](#)
[University Policy 6052 – Lactation Support Policy](#)

University Administrative and Professional Faculty Leave Policies and Procedures

- [Sick Leave Policy](#)
- [Military Leave Policy](#)
- [Leave of Absence Without Compensation](#)
- [Civil and Administrative Leave Policy](#)
- [Bone Marrow and Organ Donor Leave Policy](#)
- [Emergency/Disaster Leave Policy](#)
- [Recognition Leave Policy](#)
- [School Assistance and Volunteer Service Leave Policy](#)

University Teaching and Research Faculty Leave Policies

- [Board of Visitors Policy 1411 - Tenure](#)
- [Faculty Performance Period](#)
- [Leave of Absence Without Compensation](#)
- [Temporary Change in Duties for Full-Time Teaching Faculty Who Expect a New Family Member through Birth or Adoption](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

<u>/s/ Brenda M. Johnson</u>	<u>August 3, 2022</u>
Responsible Officer	Date

Policy Review Committee (PRC) Approval to Proceed:

<u>/s/ Donna W. Meeks</u>	<u>May 3, 2022</u>
Chair, Policy Review Committee (PRC)	Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

<u>/s/ September Sanderlin</u>	<u>August 3, 2022</u>
Responsible Oversight Executive	Date

University Counsel Approval to Proceed:

<u>/s/ Allen T. Wilson</u>	<u>August 4, 2022</u>
University Counsel	Date

Presidential Approval:

<u>/s/ Brian O. Hemphill, Ph.D.</u>	<u>August 8, 2022</u>
President	Date

Policy Revision Dates: December 14, 2020; August 8, 2022

Scheduled Review Date: August 8, 2027