

**II-308****PARENTAL LEAVE POLICY**Background

In October, 1987, acting chancellor Bernard Cohen, based on a recommendation from the University Committee, appointed an ad hoc committee to study the university's policy on parental leave for unclassified staff. Committee members included Janet Hyde, Professor of Psychology and Women's Studies (Chair); Jeanne Hendricks, Senior Administrative Program Manager, College of Engineering; John Lemke, Systems Programmer, Space Astronomy Lab; Virginia Sapiro, Professor of Political Science and Women's Studies; Donald Schwab, Professor of Business; and Steve Lund, Director of Personnel Support Services (ex officio).

The committee's charge was as follows:

"While there is pending State legislation on parental leave, we believe that the circumstances of university employment are sufficiently different—e.g., nine month and 12 month appointments, tenure rules, etc.—to warrant our own effort to review our policy. We are asking you to serve as a committee to address the general question of parental leave policy for all unclassified staff. You should lay out the options available to the university under existing Regent policy and State legislation and administrative rules to clarify our policies. Suggestions for improvements in fringe benefits would be welcome. When that has been accomplished, we would like the faculty members on the committee to address the implications of the leave policy for tenure policies for probationary faculty."

The committee collected data in two areas. It conducted a survey of department chairs at the University of Wisconsin Madison to determine the extent and nature of the use of parental leave by faculty and academic staff in the last two years. It also collected information on parental leave policies at peer institutions.

Issues in Parental Leave Policy

When evaluating an employer's parental leave policy—whether the employer is a corporation, a university, or a small business—the following questions need to be asked:

- (1) Is the leave job guaranteed? That is, does the employee have the right to return to the same or a similar job at the end of the leave?
- (2) What is the maximum length of leave permitted?
- (3) Is the leave paid? That is, is there some provision for continuation of income during the leave? For how long? How much additional unpaid leave may be taken?
- (4) Do benefits—especially health insurance and life insurance—continue during the leave? Who bears the cost—the employer, the employee, or is there a sharing?
- (5) Is the policy gender fair? That is, are fathers covered in a policy that gives them leaves comparable to mothers?
- (6) Are adoptive parents given equal access to parental leave?
- (7) For university faculty, what happens to the tenure clock for untenured faculty who take a leave?

Current Policy at the University of Wisconsin Madison

- (1) In practice there is an assumption that parental leaves are job guaranteed, although this point is not stated explicitly in written policy.
- (2) For those on nine month appointments, the mother or father has a right to take unpaid leave for any number of consecutive days to the end of the semester in which the baby is born plus unpaid

leave for the entire next semester. They do not have a right to elect to take just a portion of the second semester. (Source: Board of Regents Resolution #506: System Sick Leave Policy for Faculty and Academic Staff.)

Thus, depending on the timing of a birth relative to the semester, a faculty or academic staff member might have a maximum unpaid leave that varied from approximately six months to approximately 12 months.

For those on 12 month appointments, after taking sick leave and vacation days, the mother or father has a right to take any number of consecutive days of unpaid leave to the end of that six month period (January to June, or July to December) and has a right to take the next entire six month period. (Source: UW Madison Policies and Procedures Handbook.) Again, the maximum leave might range from approximately six months to approximately 12 months, depending on the time of the birth.

(3) A woman can use her accumulated sick leave to gain paid leave at the end of pregnancy and/or following delivery. Typically the length of paid leave using this method is six weeks or less; it may be longer if her physician certifies that she is medically not yet capable of returning to work. It is important to note that those having babies are typically young women who have not worked at the university for a long period and therefore have not accumulated extensive sick leave. In addition, faculty and academic staff with teaching responsibilities may use colleague coverage, i.e., they may have paid leave without using sick leave for any portion of the semester during which they are unable to work for medical reasons, provided that colleagues assume their duties and no one has to be hired to replace them.

(4) The university can provide its contribution to health insurance for approximately five months. Employees prepay two months, the university pays during sick leave, and the university pays an additional three months during unpaid leave. After that time, if the employee is taking an unpaid leave she may continue coverage but must pay the entire charge. For state group life insurance, the university contribution continues during unpaid leave for a maximum of three years. (Source: UW Madison Staff Benefits Booklet [Faculty, Academic Staff, Limited Appointees])

(5) Fathers can take paid leave using accumulated sick leave only if an immediate family member is ill and needs his direct care. Typically one–two weeks would be considered acceptable for care of a wife and infant immediately after birth.

In addition, written policy states that if both parents are employed at the University of Wisconsin, both should not be on leave at the same time. (Source: Board of Regents Resolution #506: System Sick Leave Policy for Faculty and Academic Staff.) In practice this is typically not enforced.

(6) Under current policy, adoptive parents may have unpaid leaves as stated in (2) above. However, they have no right to paid leave; sick leave cannot be used because there has been no pregnancy and delivery. (Source: Wisconsin Administrative Code–UWS19.) Should the infant need medical attention, then the adoptive mother or father has the right to take sick leave to care for the infant.

(7) Any time a faculty member takes an unpaid leave for a semester, the tenure clock stops for a semester, i.e., the tenure decision is postponed by a semester. (Source: UW Madison Faculty Policies and Procedures 7.04.E.) Thus, although there is no stated policy on the tenure clock for persons taking parental leave, the existing, more general policy can be applied. There currently is no stated policy for the case in which a faculty member has a baby and takes no leave or a very short leave (e.g., two weeks).

In summarizing the existing situation, it is important to make a distinction between policy and practice. For example, although the stated policy is that if both parents are employed by the UW, they may not both take leave at the same time, in practice this rule is typically not enforced. There seems no reason for it to be, particularly if the parents work in different units.

In addition, despite a written policy, actual practices may vary widely across departments. For example, one department chair communicated to us the lengths to which he had gone to obtain the longest and most favorable leave possible for a woman in his department. In another department, a pregnant faculty member consulted with the department administrative assistant, who believed that there was no provision for parental leave, much less paid leave, and so the woman took no leave, managing only by rearranging her schedule slightly. Such wide variations are created by some vagueness in written policy, but more importantly by a lack of communication throughout the university about existing policy.

### Survey Results

In January, 1988, our committee sent a survey to all department chairs in the university. The purpose of the survey was to collect data on the number of women and men who had given birth or adopted babies, and on the type of leave they had taken. We asked for information for the two most recent years: 1985 86 and 1986 87. Of the 145 questionnaires that were mailed, 116 (80%) were returned.

A summary of the results is provided in Appendix A. In 1985 86, 16 faculty women out of the 311 women in these departments gave birth to or adopted a baby. In 1986 87, 13 faculty women out of 329 in those departments gave birth or adopted. The leaves they took were highly individualized, and almost all were short. It was typical to take six weeks of paid sick leave.

In 1985 86, 25 academic staff women out of 623 in these departments gave birth to or adopted a baby. The comparable statistics for 1986 87 were 24 women out of 688 in those departments. Again, the leaves were highly individualized and generally short, with six weeks sick leave being a common pattern.

In 1985 86, 32 faculty men had wives who gave birth, or adopted a baby, out of 1,572 men in those departments. The comparable statistics for 1986 87 were 45 men out of 1,644. For men on the academic staff, in 1985 86 nine adopted babies, or had wives who gave birth, out of 606 men in those departments. The comparable statistics for 1986 87 were 13 men out of 658. As with the women, leaves were highly individualized but were typically quite short. Most men took one–five days of vacation or sick leave.

Two important conclusions emerge from these data. First, the number of women giving birth to or adopting babies is small in any given year. If we apply a statistical correction because only 80% of departments responded to the questionnaire (and we surveyed only academic departments), we might project that only about 18 faculty women per year in the entire university would be eligible for a maternity leave, as would approximately 70 academic staff women (see Figure 1). Therefore, the cost of providing more generous benefits, such as longer paid leaves, should not be great because the number of persons served would not be great. There is no reason to think that women would have more babies if paid leave were available. Second, men tend to take very short leaves, typically less than a week. Other research, conducted by Professor Hyde (see Appendix D), indicates that even if men were given the option of longer paid parental leaves, they would still choose short ones. Thus the cost of extending equal benefits to men is negligible.

### Policies at Peer Institutions

The committee also collected information on parental leave policies at some peer institutions. These policies are summarized in Appendix B.

### Legal Considerations

Parental leave legislation is pending before the U.S. Congress. Family leave legislation was signed into law for the state of Wisconsin in April, 1988, and was effective immediately. It requires that employers provide a minimum of (a) six weeks of unpaid leave for care of a newborn or newly adopted child, provided that the leave begins within 16 weeks of the birth or adoption; and (b) two weeks of unpaid leave for the care of seriously ill family members. University policy is basically in conformity with the

new state legislation, with one exception. Current policy for a teaching faculty member giving birth on, say, January 5, would not permit her to take a leave of exactly six weeks. Current policy would allow her to take either a very short leave until the beginning of the semester, or else a leave for the entire semester. This issue is addressed in Recommendation 2 below.

The university should continue to monitor legislation at the federal level.

### Recommendations

In dealing with the demands placed on faculty and unclassified staff by the birth or adoption of a child into the family, the committee recommends that the university—through its supervisors, personnel offices, departments, and faculty committees—respond to the needs of the parents with as much flexibility and creativity as possible. Not all employees will benefit from the same response. Each employee should be encouraged to discuss his or her needs with the appropriate supervisor and work out an employment plan that responds to the employee's needs and the needs of the employing unit.

Based on the committee's study of our own policy, the data from our survey, a consideration of policies at other universities, and much discussion, the committee recommends the following:

- (1) Compliance with Family Leave Law. In order for the university to be in conformity with state legislation, we recommend that both mothers and fathers be granted six weeks unpaid leave at the time of the birth or adoption of a child (provided that the leave begins within 16 weeks of the birth or adoption), regardless of where the leave falls in relation to the semester.
- (2) Accumulation of Paid Vacation. We recommend that each year faculty and academic staff on 12 month appointments be permitted to reserve all or part of their vacation days for later use as paid parental leave. There should be no limit to the total number of days so reserved, nor should there be a fixed number of years within which the reserved days must be used. (Current regulation: UW System, UPG 9, Regent approval will be needed for the change.)
- (3) Flexibly Scheduled Leaves for Those with 12 Month Appointments. We recommend that employment policies for new parents be as flexible as possible, consistent with work obligations. As one concrete instance, we recommend that policy be made more flexible for academic staff and faculty with no teaching responsibilities. The current policy frames 12 month faculty and academic staff leave options in six month blocks, presumably to correspond to semesters, making their policy equivalent to that for nine month faculty and staff, and in recognition of the special responsibilities of teaching staff. For academic staff and faculty with no teaching responsibilities, there is no need for this restriction. We recommend that they simply be allowed up to 12 months of job guaranteed leave without pay. (Current regulation: UW Madison Personnel Policies and Procedures Handbook.)
- (4) Easing the Transition Back to Work. We recommend that serious attention be given to the issue of easing the transition back to work and facilitating employment and new parenthood. A stated policy is probably not appropriate here. However, a set of recommendations to department chairs and other supervisors is. Appendix C contains a set of suggestions on this topic. We recommend that it be distributed and that department chairs and other supervisors be urged to pay careful attention to these issues. Some may want to adopt them as department policy.
- (5) Part Time Appointments. As one concrete instance of easing the transition back to work, we recommend a policy that faculty and academic staff be permitted to return to work part time for the first year after birth or adoption, so long as part time work is consistent with the requirements of the job. Those who work part time should be paid proportionately to the percentage of time they work. Employees may wish to work part time either because of medical limitations or because they wish to devote more time to childcare. All employing units should be receptive to reductions in percentage appointments for those individuals.

(6) Both Parents May Take Leave at the Same Time. We recommend that the stipulation be dropped that two parents both employed at the university may not be on leave at the same time. The present policy should apply only if both are employed by the same department and a hardship to the department can be demonstrated if both take leave simultaneously. Both parents should be permitted to take childcare leave, whether at the same or different times. This policy would allow both parents to be involved in childcare if they desire. (Current regulation: Regent Resolution #506. Regent approval would be needed for change.)

(7) Use of Sick Leave by Father. The current rules permit a spouse to use sick leave during the prenatal, delivery, and post delivery period only if there are documented medical reasons requiring both parents to be absent. We recommend that the father be allowed to use sick leave for all prenatal physician's visits and the delivery without need for medical documentation. We also recommend that the father be allowed to use sick leave for the post delivery period at the recommendation of a physician that his presence and care would be helpful, although perhaps not required. (Current regulation: Administrative Code UWS 19.01. May require Regent approval for a change in the Administrative Code.)

(8) Equal Treatment for Mothers and Fathers. We recommend that policy treat fathers and mothers equally in all respects, including paid sick leave. We do not anticipate that a gender fair policy for paid leave programs that might be created in the future would mean noticeable monetary costs or work disruption, because few fathers choose to take leaves of more than a few days, even when asked what they would do under ideal conditions (see Appendix D). (Regent and legislative approval are needed.)

(9) Equal Treatment for Adoptive Parents. We recommend that policy for adoptive parents be in all respects equal to that for biological parents. This would require modification of the Administrative Code, which authorizes paid sick leave only in the case of pregnancy. Adoptive parents should have equal rights to paid leave, even though they cannot literally claim sick leave. Some reasonable limitations on the length of paid sick leave might be imposed. (Regent and legislative approval are needed.)

(10) Paid Infant Care Leave. We recommend that the university explore means of financing a paid or partially paid family leave of six months, not just for disability, but in order to meet important childcare responsibilities. One possible source is our income continuation insurance plan, which is already in existence, although it would need to be modified to extend beyond disability to the care of infants or newly adopted children. However, such changes could not be made unilaterally for our university, and most likely would have to cover all state employees. (This may well require action by the legislature.)

(11) Untenured Faculty and the Tenure Clock. Faculty members in the tenure track present a unique case in dealing with birth and adoption. The intensity of work required to attain tenure at the University of Wisconsin Madison greatly exceeds a 40 hour work week, and the hours must extend into evenings and weekends. The committee recommends that the university recognize in a number of ways the substantial responsibility carried by assistant professors with new children in the household.

(a) Reduced Appointments. In some cases a faculty member may wish to assume childcare responsibilities or may not be physically able to return to work on a full time basis after the birth of a child. Temporarily reduced appointments should be available for these individuals, with an appropriate extension of the tenure clock. The Faculty Policies and Procedures 7.04.D. provides that each year of service at the rate of at least one half time but not more than three quarters time shall count as a half year in the probationary period, and that a rate greater than three quarters time should be counted as a full year. We recommend that faculty be informed of this option and permitted to use it for parental leave.

(b) Extension of Tenure Clock When Paid Sick Leave Taken. Under the current rules the tenure

clock does not stop when paid sick leave is taken. This means that an assistant professor who remains on the payroll for three months of sick leave has no extension of the tenure clock, but the assistant professor who takes a research leave paid by another agency obtains additional time on the tenure clock. Thus, women who take sick leave due to pregnancy or childbirth remain on the tenure clock for the leave period. We recommend that the University Committee, in considering requests for extension of the tenure clock, grant extension based on time lost due to sick leave and the negative impact this had on the opportunity to meet the criteria for tenure.

(c) Extension of the Tenure Clock When No Leave Is Taken. In some cases an extension of the tenure clock may be appropriate even though no leave is taken and the percentage appointment is not reduced. In the past, the University Committee has approved additional time on an individual's tenure clock because of the demands placed on an individual by illness or uncontrollable circumstances. A similar case may be presented where an assistant professor has had a new child and has substantial childcare responsibilities. We recommend that untenured faculty women or men who have had a birth or adoption during the probationary period, have the right to apply to the University Committee for an extension of the tenure clock up to one year, even when the faculty member does not take a leave or a reduced appointment. The application would be based on the faculty member's substantial childcare responsibilities. The faculty member should make the application through the department and dean to the University Committee. Such requests must be made before the tenure review process begins.

#### Education and Dissemination

We recommend that, pending modification of policies, the existing policies should be publicized. We found that some department chairs and administrators were not well informed about existing policy and actually thought the policy was less generous than it is. We recommend that the policy be printed as a pull out section of Wisconsin Week that it be distributed to all department chairs, and that extra copies be printed and given to department administrators for distribution to new employees each year. Serious consideration should be given to printing a brochure describing our leave policies, which could be handed out to candidates for faculty and staff positions. In winning prospective employees, attractive fringe benefit programs may help to compensate for our relatively low pay scale.

#### Summary Rationale

Two primary assumptions motivate our policy recommendations: (1) Policies should be gender fair. Men who take responsibility for childcare should receive support for their choice, and this option should receive clear recognition in policy. (2) There should be equity between those who use the provisions of the policy to the maximum extent and those who do not make use of them.

A more generous parental leave policy would be beneficial to the university as well as to individual employees. Generous parental leaves would enhance the benefits package and be attractive to prospective employees, helping to compensate for our relatively low pay scale. A progressive parental leave policy should also help in the recruiting of dual career couples, an effort in which the university is increasingly engaged.

These recommendations should be seen in the context of a national movement regarding parental leave, and more generally, support for families, including childcare and care of seriously ill elderly parents as well. Recent state legislation and pending federal legislation on parental leave and family leave speak to the growing consensus on the importance of these policies. The University of Wisconsin has an opportunity to be a leader in this movement and to attract national attention with more generous policies.

*[UW Madison Faculty Document 771 - 3 October 1988. The Faculty Senate passed the motion to endorse recommendations 1 through 10, and adopt recommendation 11 at the 3 October 1988 meeting.]*