

PROCEDURE LIT.5.09.02
PARENTAL LEAVE

SCOPE: Faculty and Staff

1. **Overview:** Regular faculty and staff employees not eligible for Family Medical Leave (FML) are entitled to a parental leave of absence, not to exceed 12 weeks (480 hrs.), for the birth of a natural child or the adoption or foster care placement of a child under three (3) years of age. This leave shall be deemed to have met the provisions of the Family Medical Leave Act for those employees covered under FMLA.
2. **Eligibility:** Parental leave eligibility begins with the birth of a child or the first day of formal placement. Parental leave must be taken during the 12 weeks beginning on the date of the birth of a natural child by the employee or the adoption or foster care placement with the employee. Employees must use all available applicable paid leaves (sick leave, within the restrictions of the Sick Leave Policy, vacation leave, and compensatory time off) with the remainder of the leave unpaid.
 - 2.1. Sick leave usage must be limited to those situations falling within the definition of sick leave as contained in the Sick Leave Procedure. Sick leave may be used prior to the birth of the child if there is a medical necessity for the absence. After the birth sick leave is available only for the postpartum recovery period defined by the physician or any illness or medical needs of the child.
 - 2.2. Requests for parental leave must be recorded on the Leave Request as parental leave and the appropriate paid leave.
 - 2.3. Availability of parental leave will conclude within 12 months of the birth or adoption of a child.
 - 2.4. An extension for a reasonable period of time may be granted under the provisions of the Leave Without Pay Procedure.
 - 2.5. A pregnant woman, without regard to marital status, shall be entitled to the same rights given other employees absent from work due to disability. The adoption of a child less than three (3) years of age shall be treated as any other temporary disability.
 - 2.6. Sick leave may be used when a child under the age of three is adopted regardless of whether the child is actually sick at the time of adoption.
3. **Combining Family Medical and Parental Leave:** Family Medical Leave is only available to employees with more than 12 months of state service and may be used for reasons inclusive of parental leave. Since eligibility time requirements for the two types of leave are different, an employee would meet the requirements of either parental leave (less than 12 months of state service) or family medical leave (12 months [1,250 hours] or more of state service), not both, so the two types of leave could not be taken back to back for the same event.
4. **Use of Sick Leave:** The State Auditor's Office has advised that sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted

regardless of whether the child is actually sick at the time of adoption. The Auditor's Office also advised that an employee who is the father of a child may use sick leave in conjunction with the child's birth only if the child is ill or to care for his spouse if she is recovering from labor and delivery.

Related Policies: LIT.5.09 Employee Leave

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes: Texas Government Code §661.909; State Auditor's Leave Interpretation Letter No. 97-01; Texas Human Resources Management Statutes Inventory (2006-2007 Biennium); Family Medical Leave Act, 1993, 29CFR825

Relevant SACSOC Standards:

Document History:

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