

CLAREMONT MCKENNA COLLEGE

FAMILY AND MEDICAL LEAVE POLICIES FOR FACULTY
(REVISED, 10/30/2007)

I. CMC'S PAID PREGNANCY DISABILITY AND PAID PARENTAL LEAVE POLICIES FOR FACULTY

A. Background

The following CMC Paid Pregnancy Disability and Paid Parental Leave policies (the Policies) describe categories of *paid* leave that may be available to CMC faculty members in connection with the birth, adoption, or foster placement of a new child.

Because the College is committed to providing a “family friendly” work environment for its faculty and staff, the following Policies meet and, in certain respects, significantly exceed relevant statutory leave requirements. Indeed, in ordinary circumstances, these Policies are designed to provide eligible faculty members with a up to single semester leave at full pay.

At the same time, it is also important to recognize that all forms of leave, including pregnancy and parental leaves, result in a disruption of instructional programs and in the faculty member’s overall contribution to the College. As a result, within a framework that is consistent with applicable statutory requirements, the following Policies are intended to provide faculty members with the flexibility that they need in circumstances related to the birth, adoption, or foster placement of a new child, while at the same time minimizing the impact on the College’s instructional program.

B. Effective Dates

These Policies are effective beginning July 1, 2007.

C. CMC Paid Pregnancy Disability Leave

The College’s Paid Pregnancy Disability Leave Policy is administered in coordination with the College’s Voluntary Disability Insurance (short-term disability) and Long Term Disability Programs. All full-time or part-time female faculty members may be eligible for a CMC Paid Pregnancy Disability Leave as follows:

Duration & Pay

The total length of the leave will be governed by the length of your medically certified, pregnancy related disability. In normal circumstances, the pregnancy leave period will be approximately six to eight weeks.

During the pregnancy disability leave, the faculty member remains on the regular CMC payroll at full salary, but she is required to apply for any short-term disability benefits for which she is eligible under CMC’s Voluntary Disability Plan. To the extent that the authorized pregnancy disability period is no longer than one year (i.e., the period of time covered by CMC’s Voluntary Disability Plan), CMC will coordinate its salary payments with short term disability benefits to provide the faculty member with approximately 100% of her regular salary.

In the event that the authorized pregnancy disability period exceeds the one-year coverage period of the Voluntary Disability Plan, and if you are enrolled in the College's Long Term Disability Plan, your salary and benefits will be limited to the benefits provided under the Long Term Disability Plan.

Notification

In order to facilitate planning, the faculty member should notify the department chair and the Dean of Faculty as soon as possible and, where foreseeable, at least four months prior to the expected beginning of the pregnancy disability leave. If it is not possible to provide a four months notice, notice must be provided as soon as practicable - within one or two days of learning of the need for the leave.

Medical Certification

Faculty members requesting a pregnancy disability leave must provide a medical certification from their attending physicians. The certification must include the date the disability began, the probable duration of the disability, and a statement that the disability renders the employee unable to perform one or more of the essential functions of her position.

Questions

If you have questions regarding CMC's Paid Pregnancy Disability Leave Policy, please contact the Office of Risk Management and Benefits Administration at the Claremont University Consortium at:

CUC Disability Administration Office

Office Location 919 N. Columbia Street – McAlister Center

Office Hours: Monday – Friday 6:00 am to 5:00 pm

(909) 621-8847 or (909) 607-3943

Fax (909) 607-9688

Disability Administrator: Belinda Ochoa

e-mail: belinda_ochoa@cuc.claremont.edu

D. CMC Paid Parental Leave

The College's Paid Parental Leave Policy is intended to provide faculty members who become new parents with additional flexibility in their work schedule at the time of the birth, adoption, or foster placement of a child.

Eligibility

Regular, full-time tenured or tenure-track faculty members with one year or more of service at CMC will be eligible for benefits under the CMC Paid Parental Leave Policy. Faculty members on a leave of absence not provided under federal or state law are not eligible for this paid benefit. Parental leave may be taken by either parent. However, if both parents are employed by CMC, they are requested to take their parental leaves at different times so that both are not on leave simultaneously.

Limitation on CMC Paid Parental Leaves

CMC Paid Parental Leaves for the birth, adoption, or foster placement of a child are limited to one leave per “event” for each full-time CMC faculty member. Multiple births (e.g. twins, triplets) and the adoption of more than one child through a single adoption proceeding, in each case, is deemed to be one “event.” Similarly, the placement for foster care of more than one child through a single foster placement proceeding is deemed to be one “event.”

CMC Paid Parental Leaves for the birth, adoption, or foster placement of a child are limited to no more than 2 birth, adoption, or foster placement events during a person’s employment with CMC.

Parental leaves taken on or before July 1, 2007 will not apply to this 2 event limitation.

Standard CMC Paid Parental Leave

Faculty members experiencing a birth, adoption, or foster placement event are eligible to receive a one-course teaching reduction with full pay in order to bond with the new child.

Standard Paid Parental Leave will be coordinated with other paid and unpaid leaves (if any) as determined by CMC and consistent with applicable law.

Enhanced CMC Paid Parental Leave

Faculty members experiencing a birth, adoption, or foster placement event *and* who have substantial and sustained childcare responsibilities (defined below) are eligible to receive a two-course teaching reduction with full pay in order to bond with the new child and fulfill those childcare responsibilities.

Enhanced Paid Parental Leave will be coordinated with other paid and unpaid leaves (if any) as determined by CMC and consistent with applicable law.

An Enhanced Parental Leave is intended for eligible faculty members who have “substantial and sustained childcare responsibilities,” which means that the faculty member requesting an enhanced parental leave is required to be the primary caregiver for the new child for at least thirty hours during the work week during the hours from 8 a.m. to 7 p.m., Monday through Friday.

When Taken

The Standard or Enhanced Parental Leave provided by this Policy shall normally be taken:

- During the semester in which the child is born or placed for adoption when such birth or adoption event occurs during the first six weeks of a teaching semester;
- During the semester following the birth or adoption event when such event occurs during the last six weeks of a teaching semester or during a semester break; or
- At the option of the faculty member, during the semester of the birth or adoption event or the subsequent semester when such birth or adoption event occurs more than six weeks after the beginning of a teaching semester and more than six weeks prior to the end of a teaching semester.

For the purposes of this Policy, each “teaching semester” shall run from the first day of classes through the last day of examinations.

The College recognizes that, depending on the circumstances or timing of a particular birth, adoption, or foster placement event, alternative arrangements may be appropriate. In these circumstances, faculty members are encouraged to consult with the Dean of the Faculty to determine an appropriate alternative leave arrangement for the mutual convenience of the faculty member and CMC. Although an alternative arrangement is subject to approval by the Dean of the Faculty, it is understood and expected that the Dean of the Faculty will work cooperatively and in good faith to reach a comparable, mutually convenient, alternative with the faculty member.

Notification

In order to facilitate planning, the faculty member should notify the department chair and the Dean of Faculty as soon as possible to arrange for the appropriate paid parental leave under this Policy, but not later than three months prior to the expected beginning of the leave or as soon as the date of adoption or foster placement is known, when it is less than three months.

Application for Paid Parental Leave

To apply for a paid parental leave, faculty members should complete the form entitled “Paid Parental Leave Application Form for Faculty.”

Relationship to Statutory Unpaid Leave Rights and Paid Family Leave Insurance Benefits

Faculty members who have exceeded the foregoing limit of two Paid Parental Leaves may be eligible to take an *unpaid* parental leave for up to 12 weeks pursuant to the College’s Family and Medical Leave Policy, which is set forth in Section II below. Although a Family and Medical Leave is unpaid, the faculty member may also be eligible to receive Paid Family Leave insurance benefits through the College’s Voluntary Disability Insurance Plan, which provides partial payment for up to 6 weeks during a 12-month period to bond with a newborn child, adopted or foster child, stepchild, legal ward, a child of a registered domestic partner, or a child of a person standing in loco parentis (guardian) who is under age 18 or over age 18 and disabled.

If you have questions regarding Paid Family Leave insurance benefits, please contact the Office of Risk Management and Benefits Administration at the Claremont University Consortium at:

CUC Disability Administration Office

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Office Hours: Monday – Friday 6:00 am to 5:00 pm

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Disability Administrator: Belinda Ochoa
e-mail: belinda_ochoa@cuc.claremont.edu

E. Concurrent Leave Requirement

Where applicable, a faculty member's leave under the CMC Pregnancy Disability Leave Policy shall run concurrently with her leave under the CMC Paid Parental Leave Policy beginning with date of the birth event.

Consistent with applicable law, a faculty member's leave under the CMC Pregnancy Disability Leave Policy and/or the CMC Paid Parental Leave Policy shall also run concurrently with any exercise of his/her statutory leave rights pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and/or California Pregnancy Disability Leave (PDL)(which are described in Section II, below).

F. Benefits and Taxes

The rate of the salary paid to the faculty member while on leave pursuant to the CMC Pregnancy Disability Leave Policy and/or the CMC Paid Parental Leave Policy will correspond to the individual's normal rate of pay for that period and will be subject to all standard withholdings and authorized deductions. Benefits will continue throughout the leave and the faculty member will continue to be responsible for his/her portion of the premium payment. Retirement benefits will also continue based upon the amount of salary actually paid to the faculty member.

G. Reinstatement

To the extent required by applicable law or College policy, the College will reinstate a faculty member returning from a CMC Pregnancy Disability Leave or a CMC Paid Parental Leave to the same position or to a comparable position.

H. Return to Work

Faculty members, who are reinstated after their leave, are required to resume their regular teaching load upon completion of their pregnancy disability and/or paid parental leave and are expected to serve at the College for at least one year following completion of a CMC Paid Parental Leave in order to retain the benefits of the leave including salary paid.

I. Tenure and Sabbatical Considerations

The tenure clock for an untenured faculty member will be delayed for a period of one year in connection with the untenured faculty member's first CMC Pregnancy Disability Leave and/or CMC Paid Parental Leave. An untenured faculty member may waive this one-year delay, or request a shorter delay, by submitting a written request to the Dean of Faculty prior to the leave commencing. Except in very unusual circumstances, the tenure clock cannot be stopped for more than one year during a faculty member's employment at CMC.

With respect to sabbaticals, any leave in which the faculty member does not have teaching or administrative obligations to CMC will not ordinarily count toward time of service for a sabbatical leave. When partial leaves are taken which constitute less than a 50% reduction in workload, time of service

shall count as if there had been no leave. When special arrangements are negotiated, sabbatical credit shall be allocated under the principle that when a 50% or greater workload is carried, the faculty member has reason to expect that there will be no delay in the normal sabbatical clock because of the leave, although it is understood that faculty members may be asked to delay taking a sabbatical for other reasons.

J. Service Considerations

Faculty members on a Standard Paid Parental Leave are normally expected to continue meeting their regular service responsibilities.

Service expectations for faculty members on an Enhanced Paid Parental Leave generally correspond to when a faculty member is on sabbatical. In particular, the faculty member will not be expected to perform any College service during the Enhanced Parental Leave Period. However, the faculty member is welcome to participate in College service to the extent he or she is willing and able to do so.

K. Teaching Considerations

In circumstances in which a faculty member who is teaching begins pregnancy disability leave once the semester is already in progress, he or she is normally expected to provide his or her Department Chair with a course syllabus (including a list of assigned readings) and a record of grades assigned to that point. The faculty member is not responsible for any course planning or grading during the pregnancy disability leave; in particular, the faculty member is not expected to provide any lesson plans or lecture notes for the remainder of the semester.

K. Examples

The following chart sets out a series of examples illustrating the application of the Paid Pregnancy Disability and the Paid Parental Leave Policies.

Examples:	Application of Pregnancy and Parental Leave Policies:
<p>1. Birth mother with certified disability from May 1 through June 30; birth event on May 3; has substantial and sustained child-care responsibilities.</p>	<ul style="list-style-type: none"> ▪ Pregnancy: Eligible for paid pregnancy leave from May 1 through June 30. <ul style="list-style-type: none"> ○ Faculty member must apply for VDI. ○ VDI benefits coordinated with CMC salary to provide approximately 100% of her regular salary. ▪ Enhanced Parental: Because birth event occurred with less than six weeks remaining in the spring semester, the faculty member is eligible to request a two-course reduction at full-pay for the fall semester. <ul style="list-style-type: none"> ○ Faculty member must complete appropriate forms with Human Resources / DoF's office.
<p>2. Birth mother with certified disability from October 10 through December 10; birth event is on October 15; has substantial and sustained child-care responsibilities.</p>	<ul style="list-style-type: none"> ▪ Pregnancy: Eligible for paid pregnancy leave from October 10 through December 10. <ul style="list-style-type: none"> ○ Faculty member must apply for VDI. ○ VDI benefits coordinated with CMC salary to maintain approximately 100% of regular salary. ▪ Enhanced Parental: Because birth event occurs more than six weeks after the beginning of the semester and with more than six weeks remaining in the semester, the faculty member is eligible to request a two-course reduction at full-pay for the fall or spring semesters. <ul style="list-style-type: none"> ○ Faculty member must complete appropriate forms with Human Resources / DoF's office.
<p>3. Father with a birth or adoption event on Sept. 30; does not have substantial and sustained child-care responsibilities.</p>	<ul style="list-style-type: none"> ▪ Pregnancy: Not eligible. ▪ Standard Parental: Because birth event is within the first six weeks of the semester, the faculty member is eligible to request a standard one-course reduction at full-pay for the fall semester. <ul style="list-style-type: none"> ○ Faculty member must complete appropriate forms with Human Resources / DoF's office.
<p>4. Birth mother having a third child with a certified disability from July 1 through August 31</p>	<ul style="list-style-type: none"> ▪ Pregnancy: Eligible for paid pregnancy leave from July 1 through August 31. <ul style="list-style-type: none"> ○ Faculty member must apply for VDI. ○ VDI benefits coordinated with CMC salary to maintain approximately 100% of regular salary. ▪ Unpaid Leave: Eligible to take an unpaid leave for up to 12 weeks pursuant to state and federal Family and Medical Leave Acts. Also eligible to apply for Paid Family Leave benefits (which provides partial compensation for wage loss) for up to six of these weeks pursuant to the College's Voluntary Disability and Paid Family Leave Plan.

II. OTHER STATUTORY UNPAID LEAVES

Described below are additional family and medical leaves that are provided for by state or federal law. Each of these leave entitlements will be run concurrently with each other and with any applicable paid leave benefits provided by the College -- consistent with applicable law.

A. Family & Medical Leave

Eligibility

All full-time or part-time employees who have been employed for at least 12 months and worked at least 1,250 hours in the 12-month period prior to the leave request are eligible for a family/medical leave based on both the Family & Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) as follows:

Duration

Up to 12 workweeks in a 12-month period. The 12-month period is measured on a “rolling” system, backward from the date an employee uses any family/medical leave. Employees disabled by pregnancy may be eligible for additional leave.

Reason For Leave

- Birth of a child.
- Placement of a child with the employee for adoption/foster care.
- To care for a spouse, child, or parent with a serious health condition.
- Employee’s own serious health condition makes the employee unable to perform his/her duties.

A “serious health condition” is an illness, injury, impairment, physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as defined under state and federal law. Leave taken for any of these reasons will be counted as family/medical leave under the federal Family and Medical Leave Act and applicable California laws. To the extent permitted by law, family/medical leave shall run concurrently with any other leave to which the employee is entitled.

Leave taken for the birth or placement of a child must be taken within one year of the birth or placement. Evidence of the birth, adoption or foster placement event will be required. This is commonly a birth certificate or appropriate court documents.

Intermittent Leave

In some circumstances, family/medical leave may be taken intermittently or on a reduced schedule.

Limitation If Both Spouses Are Employees

If both spouses work for the College and the leave requested is for the birth, adoption or foster care placement of a child, the College will not grant to the spouses more than a combined total of 12 workweeks of family/medical leave within a 12-month period.

Notification

If the need for a leave is foreseeable, the employee must provide 30 days' written notice of need for the leave. If the need for a leave is not foreseeable or if it is otherwise not possible to provide 30 days' notice, notice must be provided as soon as practicable - within one or two days of learning of the need for the leave.

Medical Certification

If the leave is due to the employee's illness or to care for an ill family member, the employee must provide certification from the health care provider. If the leave is needed to care for an ill family member, the certification must contain the following information:

- a. date of commencement of the serious health condition;
- b. probable duration of the condition;
- c. estimated amount of time the employee will be needed to provide care;
- d. that the serious health condition warrants the participation of a family member to provide care.

If the leave is needed for the employee's own serious health condition, the certification must contain the following information:

- a. date of commencement of the serious health condition;
- b. probable duration of the condition;
- c. that the employee is unable to perform the function of his/her position because of the serious health condition or must be absent from work for medical treatment.

Certification must be provided within 15 calendar days of the date the College requests the certification unless the employee can demonstrate that, despite his or her good faith efforts, obtaining certification during that period was not possible. Failure to provide a timely medical certification may result in denial of a family/medical leave.

Second and Third Medical Opinion

If the leave is due to the employee's own illness, the College may require the employee to obtain a second medical opinion from a health care provider selected by the College. In the event the first and second opinions differ, the College may require the employee to obtain a third medical opinion from a mutually agreed upon health care provider. The third opinion will be binding on the employee and the College. The second and third medical opinions, if required by the College, will be at College's expense.

Fitness For Duty Certificate

In addition, if the employee's leave is due to his/her own serious health condition, the College will require certification by the employee's health care provider that the employee is fit to return to his/her position before the employee will be restored to his/her job.

Reinstatement

With few exceptions, an employee who returns from an approved leave will be restored to the same or equivalent position. If, however, due to business reasons, the same or equivalent position ceased to exist during the employee's leave, and, had the employee not taken the leave, the employee would not

otherwise have been employed at the time reinstatement is requested, the College may not be required to reinstate the employee. In certain circumstances, the College may deny reinstatement to an employee who is salaried, and among the highest paid 10 percent of the employees working for the College within 75 miles of the employee's worksite, if necessary to prevent substantial economic injury. An employee who fails to return to work at the end of the approved leave period will be considered to have voluntarily resigned.

Benefits

Family/medical leave is unpaid.

An employee may be eligible to receive Short-Term Disability or Paid Family Leave insurance benefits, as provided under the College's Voluntary Disability Insurance Program (VDI).

The College will continue the employee's insurance coverage while the employee is on family/medical leave under the same terms and conditions as was provided while the employee was working. The employee will still be responsible for the same premiums for his/her insurance benefits as if he/she were at work. If the employee is on an unpaid leave of absence, he/she will need to send a check to the Benefits Office for his/her portion of the premium within the first five days of each month. Failure to make timely payments may result in termination of coverage.

If the employee fails to return from the leave, or returns to work for less than 30 days, the College may recover from the employee the premiums it paid for maintaining insurance coverage during the leave period.

If you have questions regarding Short-Term Disability or Paid Family Leave insurance benefits, please contact the Office of Risk Management and Benefits Administration at the Claremont University Consortium at:

CUC Disability Administration Office

Office Location 919 N. Columbia Street – McAlister Center
Office Hours: Monday – Friday 6:00 am to 5:00 pm
(909) 621-8847 or (909) 607-3943
Fax (909) 607-9688
Disability Administrator: Belinda Ochoa
e-mail: belinda_ochoa@cuc.claremont.edu

B. California Pregnancy Disability Leave

All full-time or part-time female employees may be eligible for California Pregnancy Disability Leave as follows:

Duration

Employees are entitled to a maximum four month unpaid leave for disabilities due to pregnancy. To the extent permitted by applicable law, for employees who work less than full-time, or on alternative work schedules, the maximum amount of leave will be adjusted on a proportional basis.

California Pregnancy Disability Leave will not run concurrently with any leave for the birth or placement

of a child in foster care under the CFRA. California Pregnancy Disability Leave will run concurrently with leave under the FMLA and to the extent permitted by applicable laws, with any other leave to which the employee is entitled.

Transfer

Employees who are disabled due to pregnancy may be transferred to a less strenuous position, provided that: (1) the employee requests a transfer; (2) the transfer is medically necessary; and (3) the College can reasonably accommodate the transfer.

Leave Notice

Employees must provide at least 30 days' advance notice before pregnancy disability leave or transfer is to begin if the need for the leave or transfer is foreseeable. If the need for a pregnancy disability leave or transfer is not foreseeable, employees must give notice as soon as practicable.

Medical Certification

Employees requesting a pregnancy disability leave must provide a medical certification from their attending physicians. The certification must include the date the disability began, the probable duration of the disability, and a statement that the disability renders the employee unable to perform one or more of the essential functions of her position.

Benefits

California Pregnancy Disability Leave is unpaid.

The College will continue the employee's insurance coverage under the same terms and conditions as was provided while the employee was working for the period of California Pregnancy Disability Leave that is also covered by FMLA. The employee will still be responsible for the same premiums for her insurance benefits as if she were at work. If the employee is on an unpaid leave of absence, she will need to send a check to the Human Resources Director for her portion of the premium within the first five days of each month. Failure to make timely payments may result in termination of coverage.

If the employee fails to return to work at the expiration of the leave, the College will consider her to have voluntarily resigned and may recover the premium cost the College incurred during the leave, unless she does not return due to a serious health condition or circumstances beyond her control. If the employee returns to work for less than 30 days following a pregnancy disability leave, the College may recover the premium cost it incurred to maintain the benefits during the period the employee was on leave.

Reinstatement

To the extent required by applicable law or College policy, the College will reinstate an employee returning from a California Pregnancy Disability Leave to the same position or to a comparable position.