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Family Leave and Support Committee Proposal

A Report Prepared by Faculty Senate Ad Hoc Family Leave and Support Committee

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Table of Contents

Contents	Page
Summary	1
Paid Family Leave Policy	3
Unpaid Family Leave Policy	5
Lactation Support Policy	8
Child Care Policy	10
Family Resource Center	11
Family Resources Webpage and Pamphlet	12
Conclusions	13
References and Links.....	14

Summary

Overview

At the request of the Faculty Senate Chair, the Ad Hoc Committee on Family Leave and Support was formed in September 2014 and tasked with reviewing existing University policies related to parental leave.

Committee Charge

The original charge from the Senate was twofold:

1. Investigate if a need exists to add wording to the Faculty Handbook providing details about medical leave related to pregnancy and childbirth.
2. Investigate the desirability and feasibility of establishing a parental leave policy for faculty members who have newborn or newly adopted children.

Response to the Original Committee Charge - Modifications and Expansions

The committee determined that information for faculty wishing to take unpaid leave following the birth or adoption of a child should be more detailed and consistent across colleges and departments. Additionally, the paid parental leave policy should be separate from medical leave related to pregnancy and childbirth and paid leave should be expanded to encompass broader family issues—for example, elder care, or to care for an older sick child. The committee's reasons for expanding the charge were based on previous University surveys and documents, including the Work/Life report completed in 2008.

Several key assumptions guided the committee in its deliberations and in the development of this report and the proposals within:

- A recognition that faculty are at different life stages and as such, any proposal addressing family leave and support must take into account the multiple and complex needs experienced by faculty at these different stages of life including elder care and care of older children.
- The University administration has shown in recent years a strong commitment to faculty concerns as demonstrated by assessing work-life balance needs, expanded wellness opportunities through Taylor Health Center and the recent affirmation and extension of paid leave for faculty. This document recommends that the university expand on this commitment by extending faculty support and benefits in ways consistent with the Administration's focus.
- A recognition that faculty leave issues differ from those of staff and students and for this reason the Family Leave and Support Committee focused on policies (both parental and family) that directly addressed faculty concerns. However, the committee's work has been guided by the belief that the proposed changes in this document have the potential to benefit not only faculty but also staff and students.
- The committee believes, and research concludes that expanding family support mechanisms as this report proposes has the potential to enhance recruitment and retention of outstanding faculty and staff as well as students.

The committee began its work by reviewing and compiling existing university information on faculty leave and support including a review of the conclusions of the Work/life committee

<http://www.missouristate.edu/worklife/finalreport.htm>, a committee formed in June of 2006 and charged by President Nietzel "to identify key issues that affect employees' ability to balance their work life and personal life, and to make recommendations that would result in the improvement of this relationship" as well as the current Faculty Handbook. The committee also recognized the importance of gathering information beyond Missouri State University. To do so the committee reviewed:

- family leave and support policies at Benchmark Institutions and spoke to faculty and administrators at these institutions;
- family leave and support policies and programs at selected regional universities including the University of Missouri system and Truman State University; and
- research and writings on the existence and value of family leave and support mechanisms including those published by the AAUP

Based upon our review of the information described above, the committee developed a proposal that includes a variety of family support for faculty including: 1) paid and unpaid family leave; 2) a lactation policy; 3) expanded childcare and children's health care benefits; and 4) a Family Center that would provide comprehensive information about University policies and external community resources for families across the lifespan including a website and accompanying pamphlet that would bring together all information related to family leave and family issues under one umbrella.

In each of these areas we propose policies that are proactive and expansive. In this proposal, the committee includes suggestions for short-term easily implemented initiatives as well as proposals that require additional review and analysis prior to implementation. What follows is a description of the proposal and the sections that comprise it.

Paid Family Leave Policy

Statement of Existing Policy or Resource

MSU does not have a paid family leave policy.

Statement of Proposed Policy

Purpose:

The purpose of this policy is to provide Missouri State University Faculty paid family leave. The policy uses the definition of “family leave” as outlined in the Family and Medical Leave Act (FMLA) of 1993.

Policy:

Full-time faculty members are eligible for one semester of paid leave for the following reasons:

1. The birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
3. To care for the employee’s spouse, sponsored dependent, child, or parent who has a serious health condition
4. A serious health condition that makes the employee unable to perform the essential functions of his or her job
5. Any qualifying exigency arising out of the fact that the employee’s spouse, sponsored dependent, son, daughter, or parent is a covered military member on “covered active duty”

Faculty may be granted up to two paid family leaves in a seven-year period. Additional unpaid leave may be accessed through FMLA or the university’s unpaid leave policy.

Rationale and Support:

In the 2008 Work/Life Committee report, the importance of paid parental leave ranked second and leave in excess of the Family and Medical Leave Act (FMLA) ranked third under “Home and Family: Benefit or Service” (http://www.missouristate.edu/assets/worklife/WorkLife_Appendix_F.pdf).

The Work/Life Committee’s Final Report identified “Family Caregiving” as “as a significant stressor for employees” that “created a multitude of challenges in managing work and family responsibilities.” They recommended that the university “Establish a FMLA policy that expands leave options beyond current FMLA levels” and “develop criteria for expanded leave as well as an approval and appeal process” (<http://www.missouristate.edu/worklife/familycaregiving.htm>).

Multiple studies have demonstrated the benefits of paid family leave to the physical and mental health of parents and children. Among other findings of note, international data indicate that, after other factors are controlled, paid family leave is associated with reduced rates of infant and child mortality. Paid family leave improves retention and employee morale, increases initial and extended breastfeeding rates, positively affects maternal mental health, and fosters increased parental involvement (particularly for fathers). For a summary of these studies, see Barbara Gault, et. al. (2014) “Paid Parental Leave in the United States: What the data tell us about access, usage, and economic and health benefits,” Institute for Women’s Policy Research. Studies also demonstrate a pressing need for support for individuals caring for adult family members. In a 2009 report, the National Alliance for Caregiving in collaboration with the

American Association of Retired Persons estimated that over 21% of adult Americans have provided unpaid caregiver services to another adult in the preceding 12 months. Caregivers who also were employed in paid positions outside the home averaged almost 18 hours of unpaid caregiving, and the study notes increased levels of stress and decreased physical health reported by caregivers (National Alliance for Caregiving in collaboration with the AARP, “Caregiving in the US, 2009”).

Access to paid family leave varies widely across institutions of higher learning. Missouri State University currently provides unpaid family leave in accordance with the minimum requirements established by the Family Medical Leave Act of 1993. MSU does not have a policy identifying paid family leave. University of Missouri-Columbia provides 12 weeks paid family leave, which faculty can use twice in a six-year period. Truman State University allows faculty to use accumulated medical leave to pay for family leave.

Unpaid Leave Policy

Statement of Existing Policy or Resource

In compliance with the Family and Medical Leave Act (FMLA) of 1993, full-time faculty members of the University shall be entitled to a total of 12 work weeks of unpaid leave during any 12-month period if requested by a faculty member for one or more of the following reasons:

1. The birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
3. To care for the employee's spouse, sponsored dependent, child, or parent who has a serious health condition
4. A serious health condition that makes the employee unable to perform the essential functions of his or her job
5. Any qualifying exigency arising out of the fact that the employee's spouse, sponsored dependent, son, daughter, or parent is a covered military member on "covered active duty"

FMLA also provides up to twenty six workweeks of leave during a single 12 month period to care for a covered Service member with a serious injury or illness if the eligible employee is the Service member's spouse, sponsored dependent, son, daughter, parent, or next of kin (military caregiver leave).

The University has the legal authority to consider an employee's absence as family and medical leave when it has sufficient evidence that the absence is due to an FMLA qualifying reason even if the employee has not applied for family and medical leave.

The following provisions shall apply to family and medical leave:

Request for Family Leave:

A faculty member requesting family leave under this leave provision should complete a standard Request for Leave form or letter and submit it to his/her Department Head. When leave is foreseeable, an employee must give the University 30 calendar days' advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations. If it is not possible to provide 30 calendar days' notice, as much notice as is practicable must be provided. The Department Head will forward the request to the Office of Human Resources. Upon receipt of the request, the Office of Human Resources will provide the faculty member with the Family and Medical Leave provisions and a leave questionnaire for him or her to complete. FMLA regulations require documentation from a medical provider.

Status During Family Leave:

During leave, the faculty member is required to report regularly on his/her status and intent to return to work. The University shall continue to pay for the faculty member's individual insurance coverages, including medical, dental, life, long-term disability, and accidental death and dismemberment during family leave on the same basis as if the individual had been actively at work. The University shall return the faculty member to the same or an equivalent position and employment benefits upon return from approved family leave.

Statement of Proposed Policy

Purpose:

The purpose of this policy is to provide unpaid leave above and beyond the minimum requirements outlined in the Family and Medical Leave Act to the faculty of Missouri State University.

Policy:

In compliance with the Family and Medical Leave Act (FMLA) of 1993, full-time faculty members of the University shall be entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Faculty are eligible to extend their period of unpaid leave up to one year, if requested by a faculty member for one or more of the following reasons:

1. The birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
3. To care for the employee's spouse, sponsored dependent, child, or parent who has a serious health condition
4. A serious health condition that makes the employee unable to perform the essential functions of his or her job
5. Any qualifying exigency arising out of the fact that the employee's spouse, sponsored dependent, son, daughter, or parent is a covered military member on "covered active duty"

The University has the legal authority to consider an employee's absence as family and medical leave when it has sufficient evidence that the absence is due to an FMLA qualifying reason even if the employee has not applied for family and medical leave.

Faculty are eligible for one year unpaid leave once in a seven year period.

Please see handbook for applicable family and medical leave provisions including "Request for Leave" and Status during Paid and Unpaid Family Leave."

Rationale and Support

Unpaid leave varies widely institutions of higher education. There are several schools including University of Montana that offer unpaid leave beyond the 12-week minimum allowance required by the Family and Medical Leave Act.

University of Montana Handbook

1035.30 Approvals

The department management should assess an employee request for leave without pay based on an analysis, which considers both direct and indirect costs against benefits to the department and the University. Employees requesting leave without pay for 30 days or more should submit a "Faculty and Staff Leave Request" form to their department management for approval. Forms may be obtained from the Personnel and Payroll Services.

Faculty, administrators, and professional supervisory personnel are eligible for a leave of absence without pay after two years of consecutive service. The leave should normally not exceed two years.

In the 2008 Work/Life Committee report, leave in excess of the Family and Medical Leave Act (FMLA) ranked second under “Home and Family: Mostly likely used Benefit of Service” and third under “Home and Family: Highest Rated Benefit or Service”

(http://www.missouristate.edu/assets/worklife/WorkLife_Appendix_F.pdf).

The Work/Life Committee’s Final Report identified “Family Caregiving” as “as a significant stressor for employees” that “created a multitude of challenges in managing work and family responsibilities.” They recommended that the university “Establish a FMLA policy that expands leave options beyond current FMLA levels” and “develop criteria for expanded leave as well as an approval and appeal process”

(<http://www.missouristate.edu/worklife/familycaregiving.htm>).

Lactation Support Policy

Statement of Existing Policy or Resource

MSU does not have a lactation support policy.

Statement of Proposed Policy

Purpose:

The purpose of this policy is to provide nursing mothers who are employees with a private place and reasonable break time to express breast milk for her nursing child. This policy is in accordance with the U.S. Department of Labor Wage and Hour Division and the Patient Protection and Affordable Care Act (PPACA) which amended Section 7 of the Fair Labor Standards Act (FLSA). The policy applies to all nursing mothers who are university employees.

Policy:

Lactation Locations

The University establishes multiple designated lactation rooms across campus. Lactation locations must be private, shielded from view, and not located in a restroom or common area. If an employee has a private office, it may be used for this purpose. If a dedicated lactation room is not accessible, supervisors should consider other options such as reserving a conference room as needed, adapting a clean and infrequently used small storage area, or converting an unused office or other room. The lactation location will contain adequate lighting, a chair, an electrical outlet, a small table or other flat surface, access to a refrigerator and a door with a lock. Toilet stalls and closets are unacceptable. Employees may contact the Human Resources Department for a list of current lactation locations.

Storage of Breast Milk

The University is not responsible for the integrity or security of breast milk stored in any refrigerator on campus. Employees must provide their own containers for storage of expressed milk while on campus. Nursing mothers may use campus refrigerators or may bring personal coolers to store breast milk.

Reasonable Break Times

Any employee who is breastfeeding her child will be provided reasonable unpaid break times or a flexible work schedule to express milk for her child. The number of breaks needed to express milk may depend on numerous factors such as the number of feedings and age of the child. A nursing mother will typically need two to three breaks during an eight hour period; however, more reasonable break times may be necessary.

Rationale and Support:

Health professionals and public health officials promote breastfeeding to improve infant health. Both mothers and children benefit from breast milk. Breast milk contains antibodies that protect infants from bacteria and viruses. Breastfed children have fewer ear, respiratory and urinary tract infections and have diarrhea less often. Infants who are exclusively breastfed tend to need fewer health care visits, prescriptions and hospitalizations resulting in a lower total medical care cost compared to never-breastfed infants.

Breastfeeding also provides long-term preventative effects for the mother, including an earlier return to pre-pregnancy weight and a reduced risk of pre-menopausal breast cancer and osteoporosis. According to the Centers for Disease Control and Prevention, approximately 76 percent of mothers start breastfeeding immediately after birth, but only about 16 percent of those moms are breastfeeding exclusively six months later. As a part of the Healthy People 2020 initiative, the national goal is to increase the proportion of mothers who breastfeed their babies in the early postpartum period to 81.9 percent by the year 2020. (Source: National Conference of State Legislatures <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>).

President Obama signed the Affordable Care Act (ACA) on March 30, 2010. Among many provisions, Section 4207 of the law amends the Fair Labor Standards Act (FLSA) of 1938 (29 U.S. Code 207) to require an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express milk. For more information see: Fact Sheet on Break Time for Nursing Mothers under the FLSA, U.S. Department of Labor <http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>

In addition, the ACA requires new private health insurance plans, including those available in the new health insurance marketplaces, to provide coverage for specified women's preventive health services with no cost sharing (e.g., copayment, coinsurance, or deductible). Breastfeeding support, supplies and lactation counseling are one of these specified preventive services.* For more information see: Preventive Services Covered Under the Affordable Care Act, NCSL webpage; Women's Preventive Services Guidelines, Health Services and Resources Administration, U.S. Department of Health and Human Services; Affordable Care Act Rules on Expanding Access to Preventive Services for Women, HHS.gov/HealthCare, U.S. Department of Health and Human Services, August 2011.

*** In addition to the lactation policy outlined above, these preventative services should be included in the medical insurance plan offered to University employees.**

Child Care Policy

Statement of Existing Policy or Resource

MSU does not have a child care policy.

Statement of Proposed Policy

Purpose:

The purpose of this policy is to provide financial assistance to faculty for child care expenses.

Policy:

Full-time regular faculty who are eligible for the credit course fee waivers as described above may apply one-half of the total annual undergraduate credit hour benefit to their eligible dependent children who attend the MSU Child Development Center toward payment of required CDC tuition.

Rationale and Support:

In the 2008 Work/Life Committee report, in the category “Home and Family: Benefit or Service”, Drop-in childcare on campus ranked number 1, Childcare financial assistance ranked 5, and Childcare information resource and referral ranked 6 (total of 12 benefits or services ranked). Additionally, expanding options for credit course fee waiver was the top ranked request for a financial benefit (see http://www.missouristate.edu/assets/worklife/WorkLife_Appendix_F.pdf).

Among the Work/Life Committee recommendations was the ability to apply tuition waivers to Greenwood Laboratory School. Missouri State University responded and employees now are able to apply one-half of the total annual undergraduate credit hour benefit to their eligible dependent children who attend Greenwood.

The Parental Leave Committee investigated employee family benefits at MSU’s peer institutions. Some of the peer institutions that offer on-campus child care facilities also provide financial assistance to faculty for use of those facilities. For example, Grand Valley State University provides a simple discount on tuition, while University of Montana allows for prorated tuition depending on the number of days used in a month (see http://life.umt.edu/asum/asum_agencies/Childcare/Enrollment/Information.php). Current MSU CDC policy does not allow for any prorated tuition.

Current tuition for infants and toddlers enrolled at the MSU Child Development Center is \$200 per week (http://education.missouristate.edu/assets/Education/MSU_Parent_Handbook_updated_finalcopy_August_2014.pdf). To keep a child enrolled at the CDC, a parent must pay the full weekly amount for each week the center is open, which is 49 weeks of the year. So tuition is \$9800 per year. One-half of the total annual undergraduate credit hour benefit currently is valued at \$1428. A \$1428 reduction of \$10,000 is a 14.6% reduction in tuition.

***At this time, Taylor Health Center does not provide care to faculty dependents under age 6. However, the Center will be expanding within the next few years. We recommend that this expansion encompass care for children under age 6. We also recommend that the University, as an interim measure, amend the faculty insurance policy to waive the deductible for off-campus health care services provided to faculty dependents under age 6. (Here we refer only to services comparable to those for which faculty patients at Taylor Health Center have a deductible waiver.)**

Family Resource Center

Statement of Existing Policy or Resource

MSU does not have a family resource center.

Statement of Proposed Policy or Resource

Purpose:

The purpose of a Family Resource Center is to bring together a variety of gender specific and family resources in one accessible location. The Center would include short-term, time limited child care drop in services, information about family and women's resources at MSU and the greater Springfield Community (examples might include information about free and sliding scale family counseling, elder care options, parenting classes, domestic and sexual violence resources). The Center, similar to health and wellness initiatives offered by Taylor Health, could sponsor child and family programs (examples might include *Love and Logic, Parents as Teachers*). The Center staff would include a family advocate whose job it would be to assist faculty and others in navigating the process of understanding and finding resources as well as advocating on clients behalf for these resources. The Center could be staffed in part through internship/practicums from students in a variety of disciplines including social work, counseling, early childhood education and family, criminal justice, communication.

Policy:

The University will establish a Family Resource Center that will function as a comprehensive resource for Faculty, Staff, and Students.

Rationale and Support:

Parenting resources and short term childcare was a central need articulated by faculty and staff in the University Work/life report. In the category "Home and Family: Benefit or Service", Drop-in childcare on campus ranked as the most impactful of benefits in improving work/life balance. Additionally, access to informational family resources and assistance across the family life span including elder care support was a significant need expressed by faculty and staff in the Work/life report.

The Cub Hub http://education.missouri.edu/orgs/parentlink/student_parents.php a drop-in child care and parenting support initiative for students, developed at the University of Missouri Columbia and included in the proposed Family Resource Center has the potential to be an effective recruitment and retention tool that is particularly attractive to adult students.

Including all family resource information in a centralized location along with a family advocate to assist in accessing resources and information assures greater understanding and utilization of family policies and resources.

Family Resource Webpage and Pamphlet

Statement of Existing Resource

MSU does not have a website or a comprehensive written document that outlines all family leave policies, procedures, and resources.

Statement of Proposed Resource

Purpose:

The purpose of creating a family resource webpage and pamphlet is to bring together all information about family leave policies and procedures as well as on-campus family resources in one easily accessible location.

Policy:

Create a family resource webpage and a corresponding pamphlet to make the university community aware of the institution's family resources and family-support policies. The webpage and pamphlet should

- describe the services provided by the university's Family Resource Center and provide contact information for the center;
- explain the university's medical, family, and parental leave policies and the procedures that faculty, staff, and administrators must follow to apply for these types of leave;
- explain provisions for modified duties and the procedures that faculty, staff, and administrators must follow to arrange modified duties;
- explain the circumstances under which a ranked faculty member may stop the tenure/promotion "clock" and the procedures that a faculty member must follow to stop the clock;
- describe the health care and insurance services that are available to students, faculty, staff, administrators, and their families;
- describe the on-campus child care services that are available to the children of students, faculty, staff, and administrators; and
- list the locations of the campus's lactation facilities.

Rationale and Support:

MSU does not have a website or a comprehensive written document that outlines all family leave policies, procedures, and resources. As a consequence there is confusion among faculty about the existence of family policies and the procedures by which policies such as leave are applied for. This lack of transparency results in resources being underutilized and policies applied inconsistently across colleges and departments. A visible and accessible website that includes all family information would lessen confusion and inconsistencies. Additionally, visible information about family policies will help students and employees to take better care of themselves and their families, and this information will express to prospective students and employees the university's commitment to their well-being.

Conclusions

In 2005, the American Council on Education's report *Creating Flexibility in Tenure Track Faculty Careers* highlighted the critical role that family-friendly policies play in the recruitment and retention of high-quality and diverse faculty. These findings echo public and private sector research, which suggests that paid family leave and other family supportive policies reduce employee turnover and contribute positively to employee morale (Center for American Progress, *The Economic Benefits of Family Leave and Medical Leave Insurance*). Current national discussions and the start of state-level initiatives to provide such policies to all workers indicate the importance of addressing the many challenges that faculty face in balancing the rigors of academic life with family responsibilities. The policy changes and resource initiatives proposed in this document provide the opportunity for Missouri State University to more effectively recruit and retain high-quality and diverse faculty. If enacted, these policies will offer a competitive advantage in hiring over many of our peer institutions and confirm Missouri State University's commitment to a culture that values and supports families.

References and Links

- Affordable Care Act (ACA) <http://www.hhs.gov/healthcare/rights/>
- American Council on Higher Education *Agenda for Excellence: Creating Flexibility in Tenure-Track Faculty Careers* <http://www.acenet.edu/leadership/programs/Documents/Agenda-for-Excellence.pdf>
- Big 10 parental leave policies <http://wiseli.engr.wisc.edu/uwpgms/Big10parentalleavefinal.pdf>
- Caregiving in the US 2009
http://www.caregiving.org/data/Caregiving_in_the_US_2009_full_report.pdf
- Center for American Progress *The Economic Benefits of Family Leave and Medical Leave Insurance*
<https://www.americanprogress.org/issues/economy/report/2013/12/12/81036/the-economic-benefits-of-family-and-medical-leave-insurance/>
- Center for Economic Policy Research *Leaves that Pay* Applebaum and Milkman (2011)
<http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>
- Family Medical Leave Act of 1993 <http://www.dol.gov/whd/fmla/>
- Gault, Barbara, et. al. (2014) *Paid Parental Leave in the United States: What the data tell us about access, usage, and economic and health benefits*, Institute for Women's Policy Research
<http://www.iwpr.org/publications/pubs/paid-parental-leave-in-the-united-states-what-the-data-tell-us-about-access-usage-and-economic-and-health-benefits>
- Institute for Women's Policy Research <http://www.iwpr.org/>
- Loyola Marymount Flexible and Accommodating Faculty Retention Policies and Programs
<http://admin.lmu.edu/media/admin/hr/Faculty%20Retention%20Policies%20and%20Programs%20-%20REV.pdf>
- MSU Parent Handbook
http://education.missouristate.edu/assets/Education/MSU_Parent_Handbook_updated_finalcopy_August_2014.pdf
- Missouri State University Work/Life report <http://www.missouristate.edu/worklife/finalreport.htm>
- National Alliance for Caregiving www.caregiving.org/
- National Conference of State Legislatures
<http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>
- Pregnancy in the Academy: An AAUP Guidebook
<http://www.aaup.org/sites/default/files/files/Pregnancy-in-the-Academy.pdf>

University of Montana Childcare Policies

http://life.umt.edu/asum/asum_agencies/Childcare/Enrollment/Information.php

U.S. Department of Labor <http://www.dol.gov/>

US Department of Labor Fact Sheet on Break Time for Nursing Mothers

<http://www.dol.gov/whd/nursingmothers/>

