



Texas A&M University

Maternity Leave for Faculty at TAMU

Texas A&M University faculty members may be eligible to use the benefits of The Family and Medical Leave Act of 1993 (FMLA), the state's parental leave laws, and/or applicable paid and unpaid leave while absent from work due to the birth of their natural children, the adoption of children younger than three years, or the placement of foster children younger than three years of age.

FMLA LEAVE

The Family and Medical Leave Act (FMLA) provides faculty members with up to 12 weeks of unpaid job protection and continued state contributions toward health and/or other benefit coverage per fiscal year while they are absent from work for the birth of their natural children, or when they adopt or acquire foster children. If husband and wife both work for the state, they can take a combined total of 12 weeks of FMLA leave for birth or adoption/foster care.

To become eligible for leave under the FMLA, faculty members must have worked for the state for at least 12 months and must have worked at least 1,250 hours over the previous 12 months when the leave is needed. These requirements apply to all faculty members, regardless of the length of their contracts.

FMLA AND SICK LEAVE

FMLA leave will run concurrently with all eligible paid sick leave. Mothers may utilize sick leave where recovery from childbirth prevents her from performing the duties of her position. Fathers may utilize sick leave when needed to care for a spouse or child. This may include psychological comfort where documented appropriately by a physician. In those instances where an employee adopts a child younger than three years of age, sick leave may be used following the adoption that would normally be granted for recovery (up to six weeks) from pregnancy and childbirth. Paid and unpaid sick leave will be used in accordance with all applicable policies addressing the use of sick leave.

FMLA AND VACATION LEAVE

FMLA leave will run concurrently with all eligible vacation leave, and will be used in accordance with policies addressing vacation leave and leave without pay. Generally, eligible vacation leave will be used when sick and other eligible paid leaves have been exhausted during the duration of pregnancy.

FMLA AND UNPAID LEAVE

FMLA leave will run concurrently with unpaid leave, and will be used in accordance with policies addressing leave without pay. Leave without pay will begin after all eligible paid leaves are exhausted.

FMLA AND “BONDING TIME”

Leave under the FMLA provides employees with up to 12 weeks of job protected leave for the birth of a child. New parents may wish to take extended leave after the birth of a child to bond with the baby and family. For purposes of FMLA leave, “bonding time” is defined as the leave taken after the natural birth of a child that is not the result of a medical condition. Eligible vacation and/or other applicable leaves, including leave without pay, will be utilized during this time. Sick leave may not be used during bonding time, as there is no established medical condition during this period.

PARENTAL LEAVE

The state offers parental leave to faculty members who are not eligible for FMLA leave. This leave cannot exceed 12 weeks, beginning on the date of birth or the date an adopted or foster child younger than three years is formally placed in the employee’s home. Parental leave will run concurrently with the use of any eligible leave, including vacation, sick, and/or other available paid and unpaid leaves. Parental leave provides employees with job protection for the duration of the absences, but does not include the state contribution for health insurance while employees are on leave without pay.

REFERENCES

- Texas Statute 661.913 (State Parental Leave)
- System Policies:
 - 31.03.01 – Vacation
 - 31.03.02 – Sick Leave
 - 31.03.03 – Leave of Absence With Pay
 - 31.03.04 – Leave of Absence Without Pay
 - 31.03.05 – Family and Medical Leave