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## Maternal/Parental Leave for TAMU Employees

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Texas A&M University employees (faculty, budgeted, student, wage) on maternity or paternity leave are entitled to benefits under the provisions of The Family and Medical Leave Act (FMLA). Employees who do not qualify for FMLA leave are entitled to maternal/paternal leave under the state's Parental Leave Act (PLA). Maternal/paternal leave under the FMLA and PLA includes the natural birth of a child and the placement of a child for adoption or state-certified foster care.

### Family and Medical Leave Act

- To qualify, employees must
  - physically work at least 1,250 hours within the last 12 months of the need for FMLA leave; and
  - have at least 12 months of total state service within the past seven years of employment.
- FMLA leave, for maternal/paternal leave purposes, applies to the natural birth of a child, or to the formal adoption or foster care placement of a child younger than 18 years of age; adoption or foster care placement may apply to a person over 18 years of age who is incapable of self-care.
- Eligible employees will be granted up to 12 weeks of FMLA leave per fiscal year; entitlement to maternal/paternal leave under FMLA leave expires 12 months after the birth or formal adoption/foster care placement in the home.
- Additional information regarding FMLA leave may be found [here](#).

### Parental Leave Act

- An employee is entitled to PLA benefits if s/he is not eligible for leave under the FMLA.
- Leave under the PLA:
  - applies to the natural birth of a child, adoption, or foster care placement of a child under three years of age;
  - may be used on an intermittent or reduced hour basis, provided the employee and employer agree to the schedule; and
  - will expire 12 weeks after the date of birth, or 12 weeks after the first day the adoptive or foster child is formally placed in the employee's home.

### Paid and Unpaid FMLA / PLA Leave

- Before and After Childbirth
  - Mothers
    - Appropriate paid leave (sick, vacation, comp time, etc.) will be used for doctor appointments, prenatal visits, and medical recovery after childbirth.
    - Leave without pay will be applied where appropriate.
  - Fathers
    - Appropriate paid leave (sick, vacation, comp time, etc.) will be used for doctor's appointments and prenatal visits.
    - Paid sick leave for absences in excess of three continuous working days must be supported by appropriate documentation.
    - Leave without pay will be applied where appropriate.

### **Paid and Unpaid FMLA / PLA Leave (continued)**

- Sick Leave Pool hours may be available in those cases where severe illness or prolonged complications due to pregnancy or childbirth arise with respect to either the mother or the child.
- An employee who adopts a child younger than three years of age may use the amount of available sick leave following the adoption that would normally be granted for recovery from pregnancy and childbirth (up to six weeks).

### **Additional Information**

Other laws or legislation may apply to certain employees using maternal or paternal leave. Use of paid and unpaid leave is subject to the rules and regulations of Texas A&M University. Other laws may apply to certain employees taking maternity or paternity leave; please contact Human Resources if additional guidance is needed regarding the application or use of maternal or paternal leave benefits.

### **References**

[31.03.01 – Vacation Leave](#)

[31.03.02 – Sick Leave](#)

[31.03.04 – Leave of Absence Without Pay](#)

[31.03.05 – Family and Medical Leave](#)

[31.06.01 – Sick Leave Pool](#)

[Texas Statute 661.913 \(State Parental Leave Act\)](#)

### **Contact Information**

Benefits Services

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