Astronomy Graduate Student Family and Medical Leave

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1 Motivation

There is currently no policy at either the Department or Graduate School level which deals with medical or parental leave for Research Assistants (RAs). Teaching Assistants (TAs) and Project Assistants (PAs) are covered by the 2007-2009 TAA contract which has provisions for parental and catastrophic medical leave, ensures continued health insurance and tuition remission during the leave, and allows TAs and PAs to access the Dean of Students' emergency funds. At the department level, leave for RAs is typically negotiated between an individual RA and the RA's research advisor. This places an unfair burden on an advisor and grants which support the RA.

In order to establish a modern working environment and to support graduate student families, we propose a policy to facilitate continuing the education of graduate students in the context of medical needs and family choices.

Our priorities are to establish a policy

- to guarantee paid leave in case of serious illness or disability affecting an RA or his/her dependent; and

- to grant male and female graduate RAs twelve weeks of paid parental leave;

- to extend these privileges to postdocs if funding is available.

Parental leave will be granted for both biological children and newly adopted or foster children. The leave policy will include provisions for extending deadlines for classes, the preliminary examination, the thesis proposal, and graduation by the same amount of time that was taken for leave.

Based on past history, we can expect a situation requiring leave to occur, among the Department's graduate student and postdoc population, approximately once over a typical graduate student turnover time.

2 Strategy

In order to accomplish these goals, we intend to follow two approaches:

- As soon as possible, the Department will adopt a Medical and Family Leave Policy that covers Astronomy Research Assistants. If possible, the Department will extend the policy to cover postdocs.

- These policies will be most effective at the level of the Graduate School, so we intend to push for the adoption of a Graduate School-wide policy following the principles outlined here.

3 Astronomy Medical and Family Leave Policy

This policy shall provide all Astronomy Department Research Assistants (RAs) with

- up to twelve weeks of leave in case of serious illness or disability affecting the RA or his/her dependent and
- up to twelve weeks of parental leave.

While on leave, RAs shall retain health insurance benefits. On return from leave, RAs shall be entitled to be restored to the position held by the RA when the leave commenced or to an equivalent position with equivalent benefits, pay, and other conditions of employment.

Teaching Assistants and Project Assistants are subject to the Teaching Assistants' Association contract and are not covered by this policy.

3.1 Entitlement to Leave

Paid medical and family leave, with benefits, shall be granted to any Astronomy Research Assistant in the following situations:

(A) For a serious health condition that prohibits the RA from performing the functions of his/her RA position.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment; (2) a period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider; (3) any period of incapacity due to pregnancy or for prenatal care; (4) a chronic condition which requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.); (5) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider (e.g., Alzheimers, severe stroke, terminal stages of a disease); or (6) multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), kidney disease (dialysis).

(B) For the care of spouse, domestic partner, child, parent, or other dependent in case of a serious health condition. Serious health condition is defined in (A) above.

"Child" includes biological, adopted, foster, stepchild, legal ward, or child of a person standing in loco parentis who is under 18 years of age, or over age 18 but incapable of self-care due

to a mental or physical disability. "Parent" is as defined by the Family and Medical Leave Act (FMLA) as a biological parent, stepparent, or an individual who stood in loco parentis to an RA. A leave of absence to care for a parent-in-law may be granted to RAs under the University's sick leave and other leave policies.

Note: RAs are not employees of the University and thus are not covered by the FMLA, however, the FMLA definitions are used for this clause.

(C) For the birth of a child of the RA or placement of a child with the RA for adoption or foster care.

3.2 Notice of Leave

In any case in which the necessity for leave is foreseeable (expected birth or adoption, planned medical treatment), the RA shall, on a confidential basis, disclose his/her plan to take leave to his/her research advisor, the Department chair, and the Graduate Student Coordinator. This disclosure should occur no less than 5 months in advance for an expected birth or adoption, and no less than 30 calendar days in advance for planned medical treatment. If not foreseeable 30 days in advance, the RA shall, in good faith, provide notice as soon as possible.

3.2.1 Written Leave Plan

Once an RA has disclosed his/her desire for leave, the RA will work together with his/her research advisor, the Department Chair, and the Graduate Student Coordinator to develop a plan to progress towards the PhD and implement any necessary work accommodations. The Department recognizes that each case will be unique and creative problem solving may be required. The Graduate Student Coordinator will provide the agreed-upon plan in writing to the RA, the research advisor, and the Department Chair.

3.3 Academic Progress

All satisfactory progress deadlines and classroom deadlines will be extended by the amount of leave taken.

3.3.1 Classes

If leave requires an RA to miss a required class that is not offered again prior to the RA's preliminary examination, the Department shall arrange for the RA to cover the missed material in an 800-level reading course which will be sufficient to meet the requirements of the Master of Science degree in Astronomy. The Department Chair shall identify a faculty member to supervise the reading course. Other solutions to missed coursework may be discussed between the RA, the Department Chair, and the Graduate Student Coordinator and be included in the written plan for leave.

3.3.2 Preliminary examination

If the RA has not yet taken the preliminary examination, the examination for the RA will be delayed to a date agreed upon by the RA, the Department Chair, and the prelim committee chair. The prelim delay shall be no longer than the of amount of leave taken or three months (whichever

is longer), or the prelim will occur no more than one month after the RA has completed missed coursework.

3.3.3 Enrollment

If the RA has dissertator status, he/she shall remain enrolled in Astronomy 990 (Research and Thesis) as required by the Graduate School to maintain satisfactory progress towards the PhD. If the RA is in compliance with the written leave plan while enrolled in Astronomy 990, the research advisor shall consider Astronomy 990 requirements as being met.[1] If necessary, the Graduate Student Coordinator will arrange with the Graduate School for extension of the five year time limit for depositing of the PhD thesis after successful completion of the preliminary exam.

The Graduate School has allowed dissertators to break continuous enrollment with medical documentation. In cases requiring a leave longer than 12 weeks in which remaining enrolled in Astronomy 990 is not possible, the written leave plan shall require a request to the graduate school for a break in continuous enrollment.

3.4 Paid Leave

For any academic term in which the RA goes on partial or full leave under this policy, the Department will provide funds such that the RA retains a minimum average appointment level of 34% over the course of the term. At this level, student status, tuition remission, and health insurance benefits will be retained. The Department shall provide funds such that the RA's pay per month shall at no point be reduced to less than equivalent to a 34% appointment. If possible, the Department will provide necessary funds to maintain the RA at the same pay equivalent to their full appointment when the leave began.

If the RA is an international student, the minimum average appointment level under this policy will be adjusted to meet the minimum income standards set by federal law to maintain visa requirements.

3.4.1 Funding

Salary and benefits during leave shall be paid using Department discretionary funds, unless otherwise agreed upon by the RA, the research advisor, the Department Chair, and the principal investigator(s) of the grant(s) funding the RA.

3.5 Length of Leave Entitlement

The leave entitlement for each condition shall be as follows:

(A) Twelve weeks for a serious health condition affecting the RA

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[1]Typically, students are expected to work approximately three hours of work per week per credit hour. For 3 credits of Astronomy 990, this corresponds to 9 hours of work per week. Over the course of a 15 week semester, this adds up to 135 hours of work. Dissertators work substantially more than 9 hours per week; the remaining hours are covered by a paid research assistantship, accounting for 30 hours per week on a maximal 75% appointment. For 12 weeks of leave occurring entirely within one semester, the RA must work approximately 45 hours per week during the remaining 3 weeks (for a total of 135 hours) to satisfy the expected Astronomy 990 workload.

(B) Twelve weeks for a serious health condition affecting the spouse, domestic partner, child, parent, or other dependent of the RA.

(C) Twelve weeks for a birth, adoption, or foster care placement of a child of the RA. Entitlement expires at the end of the 12-month period beginning on the date of birth for a biological child or date of placement for a foster or adopted child. If leave for a foster or adopted child began before actual placement because absence from work was required in order for the placement to proceed, entitlement expires at the end of the 12-month period beginning on the last day worked.

Each RA is entitled to the leave stated above once per occurrence of a condition.

3.5.1   Extended Leave

If a situation arises where an RA's leave will extend beyond twelve weeks due to a condition covered by this policy, the written leave plan will address what additional actions will be necessary for the RA to continue progress toward the PhD. If an official leave of absence from the University is required for the amount of leave taken, this plan may include reapplication to the Department.

3.5.2   Part Time Leave

The leave may be taken on a full time or part time basis and need not be continuous. If the leave is taken on a part time basis, the total leave entitlement shall remain equal in working hours to a full time leave of the same amount of working hours. The structure and work schedule of part time leave shall be established in the written leave plan.