

# PARENTAL LEAVE RESOURCE & CLIMATE GUIDE FOR STUDENTS AND PSYCHOLOGISTS

LAUREN MIZOCK, PHD<sup>1</sup> & EDDY AMEEN, PHD<sup>2</sup>

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## Use of this Guide

This guide is intended for future and current doctoral students and psychologists to:

- Help you determine whether prospective doctoral programs, internships, postdoctoral programs, and employment opportunities are the right fit for you based on your family situation and family-planning needs;
- Help you ascertain your options regarding parental leave;
- Provide you tips for negotiating parental leave;
- Review options for addressing possible parental discrimination;
- Provide a resource for determining if an organization is welcoming to you as a potential or current parent based on national laws and institutional guidelines of the APA; and
- Offer a list of popular and academic readings and websites for further exploration of these issues.

This guide is not intended to and does not provide legal advice or guidance, and should not be relied upon as legal authority.

The idea came from the ad-hoc Working Group on Family Leave and Disability Issues, which was comprised of graduate trainees and early career psychologists who served in governance roles in the American Psychological Association (APA) and its divisions, as well as APA staff. The group was originally formed to address the needs of trainees who may not be fully protected by current accreditation guidelines pertaining to parental/family leave as well as other accommodations. This guide was inspired by the APAGS [Climate Guide for LGBT and Allied Students and Professionals](#).

It should be noted that a number of relevant policies were uncertain at the time of the creation of this guide. The present federal law related to parental leave is the Family and Medical Leave Act (FMLA), signed in 1993, described later. In 2013, the Family and Medical Insurance Leave Act (FAMILY Act) ([S. 1810/H.R. 3712](#)) proposed partial income for 12 weeks of family and medical leave, including parental leave. The bill was stalemated in a divided Congress. At present, much is still to be determined about future rights and opportunities for parental leave in the U.S., the only developed nation without paid parental leave.

As advocates steeped in the literature on family well-being, we believe that paid parental leave regardless of the parent's gender is essential during these critical, early stages of parenting across sexual orientations, family structures, and adoptive vs. biological parenting. As we advocate for equitable parental leave policies, we provide this guide as a resource to determining if an organization is welcoming to you as a potential or current parent based on national laws, and institutional best practices and guidelines.

## Know Your Options

The Family and Medical Leave Act (FMLA) stipulates that a covered employer provides 12 weeks of unpaid leave for family or medical purposes. Covered employers include most schools, public agencies, or private sector organizations with more than 50 employees. Covered employees are those who have been working at a company for at least 12 months and who have worked at least 1250 hours during that time. The purposes of the leave include birth, adoption, caretaking a family member for health issues, and other reasons. The employee returning from the leave must be granted the original job or equivalent job with same pay and benefits. More information about FMLA can be found on the Department of Labor's [website](#). Employees who feel their FMLA rights have been violated can file a complaint with the Wage and Hour Division of the US Department of Labor (1-866-4-USWAGE).

<sup>1</sup>Lauren Mizock, PhD is Chair, Motherhood Committee, Division 35, Society for the Psychology of Women; Doctoral Faculty, Clinical Psychology Program, Fielding Graduate University; and Licensed Psychologist, Private Practice, San Francisco, CA.

<sup>2</sup>Eddy Ameen, PhD is Director, APA Office on Early Career Psychologists, Washington, DC.

Critical editorial and content support provided by Ian A. Gutierrez, MS, MA – Chair, APAGS; Nadine Kaslow, PhD, ABPP – Past President, APA; and Allison N. Ponce, PhD – Chair, APPIC.

Some states differ from the federal law in requiring added paid leave, and you can find this information in the National Conference of State Legislation (2016) website listed in the Further Reading section. Important notes: U.S. law does not cover FMLA for people employed for less than one year. Graduate schools are often not considered employers of their students.

Whether or not you are classified as an *employee*, if you are a **trainee in an APA-accredited program**, you should know that there are Standards of Accreditation and subsequent Implementing Regulations that may offer guidance to you about possible policies at your site, and reasonable expectations while training there. APA disclosure rules are as follows:

- At the doctoral program level, APA has no current specific requirement that accredited programs have or disclose specific parental leave policies.
- At the internship level, according to the Standards of Accreditation, accredited programs must have and disclose contents of vacation, sick leave, maternity and paternity leave policies. Further, according to Implementing Regulation C-27I, accredited programs must publicly display answers to specific questions related to insurance coverage, sick leave, and personal time off.
- At the postdoctoral level, according to Implementing Regulation C-23P, accredited programs must publicly display answers to specific questions related to insurance coverage, sick leave, and personal time off.

For more APA-related information, go to [apa.org/ed/accreditation](http://apa.org/ed/accreditation) for:

- Standards of Accreditation
- Implementing Regulations (specifically, C-27I and C-23P)
- Accreditation Search Tool

If you are a trainee but **not in an APA-accredited program**, you may wish to avail yourself of your respective trainee, graduate assistant, employee, human resources and/or other handbooks and policies.

## Questions to Ask Training and Work Sites

This list provides a wide-ranging set of questions you can consider asking a doctoral, internship, or postdoctoral program, or other prospective employment site you are examining for the next stage of your career. This list might also help you seek clarity if a parental leave need emerges at the site you are currently located.

- Does the organization provide a document with disclosure of the policies for sick leave, parental leave policies, and anticipated workload requirements for prospective and current employees/trainees?
- Is medical insurance provided for the trainee/worker?
  - Is coverage of family member(s) available?
  - Is coverage of a legally married partner available?
  - Is coverage of a domestic partner available?
- Is there parental leave available?
  - What does it cover?
  - Who does it cover? (E.g., mothers, fathers, same sex partners, adoptions)
  - How long is it?
  - Is leave paid or unpaid? If paid, at what rate and for how long?
  - When and how can it be accessed?
- Are there a certain number of hours of annual paid sick leave, personal time off, and/or vacation?
- In academic settings, how is tenure handled with regards to parenting? Is the tenure clock automatically stopped for parental leave? Is there an optional stop-the-clock policy?
- Does the organization provide childcare or pay a percentage of the cost?
- Are there supports for breast milk pumping breaks and protected/designated areas for doing so?
- Is there support for taking partial days off and or changing one's work hours to be able to attend children's medical appointments, school activities, etc.?
- Do other parents feel they can equitably succeed, be paid, and advance compared to those without children?
- Have other parents felt safe in disclosing a pregnancy to their supervisors? How have supervisors handled these discussions?
- Have parental discrimination complaints been made against the organization or employer? And if so, what has been the nature of the complaints and the outcomes of the complaint processes?
- Do other parents at the organization feel they have been afforded adequate support for taking parental leave, both from Human Resources and among supervisory staff/faculty/administrators?
- Is the culture of the organization supportive of work-life boundaries that are important to you?

You will probably want to gauge the following issues prior to asking these questions of someone within a given setting:

- Will it be too sensitive to gather some of this information? Consider if timing makes a difference.
- Who may provide reliable information? If not superiors, perhaps colleagues or current students, interns, and postdocs.
- How important are each of these questions? In what order should they be asked?

## Worksheet for Students, Interns, Postdocs, and Employees

Using the questions in the previous section as your guide, weigh the parental leave of sites where you might train or work.

Strengths	Concerns
Site:	
Site:	
Site:	

## Tips for Negotiating Parental Leave

### Information Gathering

- Be familiar with state and national laws pertaining to your leave like the FMLA.
- Research the policy within your organization (or prospective organization).
- Research similar companies and leaves they provide.

### Weighing Options

- Consider if the standard leave will be enough for you.
- List the potential options that could work for you in taking your leave and rank them in order for your negotiation discussion.
- Talk to trusted colleagues who have been on leave recently about what their problems were and how they solved them.
- Consider that some prefer to request the longest time you can receive since it is easier to return early than extend your leave.
- Consider that others prefer to negotiate the most flexible leave, especially since the details of the pregnancy, labor, delivery, and child may be hard to anticipate.
- Or, you might request a leave with a combination of length and flexibility (e.g., 8 weeks off full time, 8 weeks off part-time).

### Discussing your Leave

- Be sure to give your supervisor the heads up about your need for leave before he or she hears it through the grapevine. In most situations, you do not have to tell your supervisor the kind of medical leave (e.g., parental) you are requesting. That is often confidential and needs only be shared with Human Resources.
- You should also discuss your leave with Human Resources at your organization (and, if privacy of medical condition or information is a concern, those issues may best be raised directly with human resources rather than your supervisor).
- Discuss with your supervisor and/or Human Resources the length of leave you want to take.
- Communicate an intention to be collaborative in developing your plan.
- Express care about your work relationships.
- Present the negotiation in terms of the benefit your requests might have on your work.
- Identify what you hope to accomplish before you leave.
- Make specific plans to check in on your progress on those tasks.
- Anticipate and address your supervisor's concerns.
- Consider utilizing sick leave to extend your parental leave.

- Consider drawing from vacation time, personal parental, or borrowing paid leave against future time off.
- Adjust your tax withholding to reflect extra deductions before the child arrives as a way to help with the financial burden of unpaid leave and/or child-related expenses.
- Seek out your mentors, family members, and other sources of support.

Adapted from Mizock (2015).

## Tips for Addressing Parental Discrimination

- Know your rights. Read your employee handbook or talk to someone in Human Resources to know what your rights are regarding pregnancy, parental leave time and pay, breastfeeding/pumping at work, and taking days off when children are sick.
- Talk directly with your employer about the discriminatory situation. Create a paper trail, so it is more difficult to be fired.
- Be aware of your state's laws. There is no federal statute forbidding discrimination against adult caregivers.
- Explore legal options:
  - Contact a labor attorney or the state department of labor.
  - Contact the Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov) (1-800-669-4000)
  - Contact the U.S. Department of Labor: [www.dol.gov](http://www.dol.gov) (1-866-487-9423)
  - Contact the Equal Rights Advocates: [www.equalrights.org](http://www.equalrights.org) (1-800-839-4372)
  - Contact Joan William's WorkLifeLaw program at the University of California's Hasting's College of Law for information and attorney referrals at [worklifelaw.org](http://worklifelaw.org)
- If you do get fired, get their reasons in writing.
- Become an activist before there is a problem.
  - Encourage your department, program, or workplace to draft family friendly guidelines and while being aware of the local state laws, go beyond the minimum (e.g. stopping the tenure clock for one year).
  - Lobby at the state level for legislation that would protect pregnant women and parents at work.
  - Work with the APA and other psychological organizations to draft ethical guidelines for employees who are mothers and fathers and to create educational programs for employers and coworkers so they can learn about pregnancy and responsibilities involved in caring for an infant or children.

Adapted from Kuhn (2011). Note: Suggestions for the employer are also available at <http://bit.ly/leaveguide4b>.

## Online Resources

- APPIC Guidelines for Parental Leave During Internship & Postdoctoral Training: <http://bit.ly/leaveguide1>
- APA Commission on Accreditation: <http://bit.ly/leaveguide2>
- Facts About Pregnancy Discrimination: <http://bit.ly/leaveguide3>
- Feminist Motherhood Column Archive of The Feminist Psychologist: <http://bit.ly/leaveguide4>
- FemPsychMoms Listserv for Feminist Psychologist Mothers: <http://bit.ly/leaveguide5>
- Motherhood Committee of Division 35 Resource Page: <http://bit.ly/leaveguide6>
- National Postdoctoral Association Guide to Pregnancy and Maternity Leave: <http://bit.ly/leaveguide7>
- Parental Leave in Academia: <http://bit.ly/leaveguide8>
- The Pregnant Scholar: <http://bit.ly/leaveguide9>
- APA Blog: Why Title IX Matters: <http://bit.ly/leaveguide10>

## Further Reading

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