



Paid or unpaid parental leave scheme

Owner: Human Resources Policy Office

Adopted by the Human Resources Policy Director on 19 May 2021



1. Introduction

In the context of sustainable employability, Amsterdam University of Applied Sciences (hereinafter: AUAS) offers employees various options to enable them to better combine their parental duties with work. One of these options is to take 75% paid parental leave for a maximum period of 13 times their weekly working hours. After that, employees may take unpaid parental leave amounting to a maximum of 13 times their weekly working hours.

Paid or unpaid parental leave offers employees the opportunity to temporarily work fewer hours in order to spend more time caring for their children.

Sections 6:1–6:9 of the Work and Care Act (*Wet Arbeid en Zorg*) (parental leave) and Book 7, Section 634 of the Dutch Civil Code (holidays and leave) form the statutory framework that applies to this scheme. This scheme specifies how paid or unpaid parental leave is applied at AUAS.

2. Right to parental leave

In order to be eligible for parental leave, the employee must meet one of the following general conditions:

- The employee who, as a parent, is related to a child, is entitled to parental leave with due observance of the provisions of this scheme. 'Related to a child' means that the employee is the parent/carer of a biological, adopted or acknowledged child. If the employee has more than one child, the employee is entitled to parental leave for each of those children or;
- The employee who, according to declarations recorded in the municipal personal records database (BRP), lives at the same address as a child and who has assumed long-term responsibility for the child's care and upbringing as if the child were the employee's own child is entitled to parental leave subject to the provisions of this scheme. This is the case if the employee has a foster child or stepchild or if a child's adoption by the employee is pending. If the employee, with a view to adoption, has assumed responsibility for the care and upbringing of more than one child with effect from the same date, the employee is entitled to leave for each of the children. In all other cases in which the conditions set out in the first sentence are fulfilled for more than one child with effect from the same date, the employee is only entitled to parental leave once.

3. Additional conditions for entitlement to partially paid parental leave

The employee is entitled to paid parental leave amounting to a maximum of 13 x the weekly working hours if - in addition to the conditions referred to under point 2 - the following conditions are also met:

- The employee has an employment contract with AUAS. The employee must have been employed for at least one year. The number of working hours upon commencement of parental leave is higher than or equal to 0.4 FTE.
- The child for whom the employee requests parental leave is under the age of four on the date on which leave commences.
If the child turns four during the period of leave, the partially paid parental leave will continue until the child's fourth birthday.

If the conditions are met, the following implementing rules apply:

- Leave will mainly be taken in full per week for a continuous period of no more than 13 weeks.
- By agreement between the employee and the supervisor, in derogation from the previous paragraph, the leave determined may be taken distributed over a period of more than 13 weeks; in this situation too, the distributed leave must still be fully utilised.
- Seventy-five per cent of the employee's wages will continue to be paid over the period and amount of paid parental leave.
- The pension contribution owed (employer's and employee's share) over the period and amount of paid parental leave will be entirely for the account of AUAS.
- In accordance with the law, holiday leave will be accrued on the hours of paid parental leave taken by the employee in proportion to the payment for parental leave.
- If the employee has already taken leave for the child concerned during employment with AUAS, he or she may only request leave for the remaining period.

4. Additional conditions for entitlement to unpaid parental leave

The employee is entitled to a maximum of 26 weeks of unpaid parental leave or a maximum of 13 weeks of unpaid parental leave in combination with a maximum of 13 weeks of paid parental leave if, in addition to the conditions referred to under point 2, the following conditions are also met:

- The employee has an employment contract with AUAS.
- The child for whom the employee requests parental leave is under the age of eight on the date on which leave commences. If the child turns eight during the period of leave, parental leave will continue until the child's eighth birthday.

If the conditions are met, the following implementing rules apply:

- Leave will mainly be taken per week for a continuous period of no more than 13 weeks (if 13 weeks of paid parental leave have been taken prior to that) or a maximum of 26 weeks.
- By agreement between the employee and the supervisor, in derogation from the previous paragraph, the leave determined may be taken distributed over a period of more than 13 weeks or 26 weeks.
- The employee is not entitled to the continued payment of wages over the period and the amount of unpaid parental leave.
- The pension contribution owed (employer's and employee's share) over the period and the amount of paid parental leave will be deducted in accordance with the usual allocation¹; the employee's share will be for account of the employee and the employer's share will be for account of AUAS.
- In accordance with the law, no holiday leave will be accrued on the hours on which the employee has taken leave.
- The employee is entitled to parental leave for the child concerned if he or she has not previously taken such leave in full during employment with AUAS or another employer. If leave has already been taken for the child concerned,

¹ Decision of the HR director on unpaid parental leave and allocation of the payment of pension contributions, 31 August 2012.



leave may only be requested for the remaining period. If the employee has already taken parental leave during employment with another employer, the employee is obliged to submit a statement to AUAS from the other employer indicating how much leave the employee is still entitled to.

5. Requesting paid or unpaid parental leave and the decision

In order to be able to use paid or unpaid parental leave, the employee is subject to an obligation to notify:

- The employee must notify his or her supervisor in writing of the intention to take paid or unpaid parental leave no later than two months prior to the date of commencement of leave, stating the period, the number of hours of leave per week and the distribution of those hours over the week. The dates on which leave commences and ends may be made conditional on the date of the birth, the end of maternity leave or the commencement of care.
- After consulting with the employee, the supervisor may change the distribution of the hours over the week on the grounds of a compelling business interest, up to four weeks prior to the date of commencement of leave.

6. Not taking or not continuing paid or unpaid parental leave

- The employee may submit a request to his or her supervisor seeking approval not to take or not to continue parental leave that has already been granted due to unforeseen circumstances (for example in the event of illness).
- The supervisor will approve the employee's request within four weeks, unless there is a compelling business or service reason for refusing the request. Upon approval, the right to parental leave will be suspended with retroactive effect until the date on which the request was submitted. The salary deduction will be discontinued with effect from that date. The supervisor or HR will send a request to the Personnel and Salary Administration via servicedesk-ac@hva.nl to discontinue parental leave.
- Partial continuation of parental leave is not possible.

7. Exclusions relating to paid or unpaid parental leave &.....

- Paid or unpaid parental leave in combination with temporary extensions of the number of working hours is excluded.
- Discontinuation of paid or unpaid parental leave because the employee is on holiday leave is excluded. Paid or unpaid parental leave will continue during the employee's holiday.
- If the employee falls ill during paid or unpaid parental leave, the basic principle is that parental leave will continue. However, pursuant to Section 6:6(2) of the Work and Care Act, in the event of *unforeseen circumstances (illness/incapacity for work fall into this category)*, the employee may submit a request to the employer seeking approval not to take any of the parental leave at all or to discontinue parental leave (point 6). The occupational physician may be asked to issue advice about whether the discontinuation or suspension of parental leave would hinder reintegration.
- If the parental leave has been discontinued due to illness, the employee may continue parental leave in consultation with his or her supervisor as soon as the employee is **fully** fit to return to work.

The Personnel and Salary Administration will discontinue parental leave upon the commencement of a new period of maternity leave. The employee may take any remaining parental leave at a later point in time (in consultation with the supervisor).

Explanation of the formulas for calculating paid parental leave

When calculating parental leave, the number of working hours under the employment contract remains unchanged, i.e. the number of FTE hours under the employment contract does not decrease.

Hours of paid parental leave and reduction of salary

(25% of the hours will be for the employee's account)

Formula: 13 weeks x number of weekly working hours x standard full-time teaching post

In the case of 1 FTE : $13 \times 40^2 \times 1 = 520$ hours

(Explanation of the formula: within the number of weeks chosen, the task hours and hours of leave both count: 1 FTE and 13 weeks represents 414.75 task hours and 107 hours of leave).

Reduction of salary is 520 hours x 25% = 130 hours x hourly wage.

The employee requests the following via DSPM: commencement date, end date, number of hours of paid or unpaid leave and weekly schedule. HR checks the input and period, after which the authorised signatory grants approval. Automatic processing is then carried out in SAP.

Hours of parental leave for task allocation

Formula: $13/52 \times 1,659$ (is the standard annual task) x number of working hours for standard full-time teaching post

For 1 FTE: $13 : 52 = 0.25 \times 1,659 \times 1 = 414.75$ hours

Hours of paid parental leave and fewer holiday hours

The number of working hours under the employment contract will not change. However, the number of hours on which leave hours can be accrued will decrease. After all, 25% unpaid leave is involved and no hours of leave are accrued on these hours.

For the calculation (as an example for 1 FTE), the following formula applies: $1 \times 428 \times 25\% = 107 \times 25\% = 26.75$. The number of leave hours (428 hours) will therefore be reduced by 27 hours to 401 leave hours.

Agreements with regard to taking parental leave hours.

The employee indicates the period in which he or she wishes to take parental leave in the request submitted.

The employee draws up an overview indicating the dates on which he or she will use parental leave outside the mandatory leave days. Using this overview, the employee makes agreements with the supervisor regarding the task allocation.

² All examples used in the calculations are based on the choice for a 40-hour working week.

Explanation of the formulas for calculating unpaid parental leave

When calculating parental leave, the number of working hours under the employment contract remains unchanged, i.e. the number of FTE hours under the employment contract does not decrease. If the employee has made full use of paid parental leave, the employee is still entitled to unpaid parental leave amounting to 13 x the weekly working hours (this therefore applies to the calculations below). No wages are paid and no leave entitlements are accrued in respect of the leave portion.

Hours of unpaid parental leave and reduction of salary

(100% of the hours of parental leave are for the employee's account)

Formula: 26 weeks x number of weekly working hours x standard full-time teaching post

For 1 FTE: $26 \times 40^3 \times 1 = 1,040$ hours

(Explanation of the formula: within the number of weeks chosen, the task hours and the hours of leave both count: 1 FTE and 26 weeks represent 829.5 task hours and 214 hours of leave).

The reduction of salary is $1,040 \text{ hours} \times 100\% = 1,040 \text{ hours} \times \text{hourly wage}$.

The employee requests the following via DSPM: commencement date, end date, number of hours of paid or unpaid leave and weekly schedule. HR checks the input and period, after which the authorised signatory grants approval. Automatic processing is then carried out in SAP.

During the period of leave, the pension entitlements will continue to be based on the original number of working hours. The employee's share of the pension contributions based on the original number of working hours will continue to be for the employee's account. See footnote 1.

Hours of unpaid parental leave for task allocation

Formula: $26/52 \times 1,659$ (is the standard annual task) x number of working hours for standard full-time teaching post

For 1 FTE: $26 : 52 = 0.5 \times 1,659 \times 1 = 829.5$ hours

Hours of unpaid parental leave and fewer holiday hours

The number of working hours under the employment contract will not change. However, the number of hours on which holiday hours can be accrued will decrease. After all, 100% unpaid leave is involved during a certain period and no holiday hours are accrued on these hours.

For the calculation (as an example for 1 FTE and a period of leave of 13 weeks and 26 weeks), the following formula applies:

$1 \times 428 \times (13 \text{ weeks} =) 25\% = 107$ hours. The number of holiday hours (428 hours) is therefore reduced by 107 hours to 321 holiday hours.

$1 \times 428 \times (26 \text{ weeks} =) 50\% = 214$ hours. The number of holiday hours (428 hours) is therefore reduced by 214 hours to 214 holiday hours.

³ All examples in the calculations are based on the choice for a 40-hour working week.