

# State University of New York

## College at Old Westbury

### Leave for Childbirth, Childcare and Adoption Policy

#### Policy Statement

This information is intended to assist employees with their childbirth, childcare and adoption planning. It is recommended that employees call, or schedule an appointment with Human Resources early in their planning process to discuss leave entitlements, procedures and options.

Employees are encouraged to inform their supervisor or department chair of a pregnancy or adoption promptly, so that planning can begin. Employees should notify Human Resources of their need for leave as soon as possible but at least 30 days in advance of the anticipated start date.

- **Accrual Usage and Disability Period**
- **Childcare Leave Policy**
- **Family and Medical Leave (FMLA)**
- **Leave Donation Program**
- **Sick Leave at Half Pay (Classified Employees)**
- **Leave Implications**

#### Accrual Usage and Disability Period

As a public state agency, The College at Old Westbury *does not* provide a paid maternity leave. In order to stay in pay status during a leave, employees must use accrued leave credits. Sick leave may only be used during a period of medical disability. Disabilities arising from pregnancy or childbirth are treated the same as other disabilities in terms of eligibility for, or entitlement to, sick leave. New York State defines the period of disability for an uncomplicated pregnancy as beginning up to four weeks prior to the anticipated date of delivery and continuing up to six weeks after delivery. Beyond the period of disability, employees may charge accrued leave credits (if available) other than sick leave to remain in pay status. Spouses may use sick leave credits for the day of delivery and for the convalescent period immediately following hospitalization, generally one week.

If medical complications that would extend a period of disability arise, contact Human Resources at (516)876-3179 for guidance. Medical documentation can be submitted directly to Human Resources by employees or their medical provider (marked confidential). The Human Resource fax number is (516)876-3209. All medical documentation should be sent directly to Human Resources, not to the employee's supervisor or department.

### **Childcare Leave Policy**

State union agreements provide employees, regardless of gender, with up to seven months of childcare leave without pay. Vacation, personal leave and/or holiday accruals may be used, if available, during childcare leave to remain in pay status. However, the use of accruals *will not* extend the seven month period. The seven months include the disability period following birth. Employees should discuss the terms of the leave (start date/anticipated return date) with their supervisor and Human Resources. This leave can be available to either parent. If both parents are State employees, leave for childcare will be approved for one parent at a time and the parents may elect to split the mandatory seven month leave into two separate blocks of leave with each parent entitled to one continuous period of leave but not to exceed a combined total of seven months of leave and not to extend beyond seven months from the date of delivery.

When an employee requests childcare leave following, or prior to adopting, documentation of a legal adoption is required to qualify for such leave. Childcare leave may start at any time after the child begins living with the adoptive parents, through the effective date of adoption and beyond, up to seven inclusive months. Contact Human Resources for additional information.

### **Family and Medical Leave (FMLA)**

Family Medical Leave is a federal law which provides up to 12 weeks of unpaid leave with continuation of certain benefits to eligible employees. An FMLA leave runs concurrently with disability and childcare leave (birth or adoption). Eligibility for FMLA requires a minimum of one year of service and having worked at least 1,250 hours within the 12 months immediately preceding the leave. Eligible employees should apply for child birth, childcare, and adoption leave through the FMLA process.

### **Leave Donation Program**

Eligible employees can donate vacation accruals to other employees out on a medical leave during the period of disability. The Leave Donation Program is available to Union-Affiliated and M/C employees who meet the eligibility requirements. Contact Human Resources for additional information.

### **Sick Leave at Half Pay – Eligible Classified Staff Only**

Sick Leave at Half Pay is available to Classified Staff members who meet the eligibility requirements during their period of disability. Contact Human Resources for additional information.

### **Leave Implications**

- **Health Insurance Coverage**

While on the payroll during a leave of absence employees continue to be responsible for only the employee share of their health insurance. During an approved Family Medical Leave (FMLA) absence, employees continue to be responsible for only the employee share of their health insurance even when in leave without pay status. If an employee is not eligible for FMLA or has exhausted their FMLA entitlement (maximum of 12 weeks) they would be responsible for the full health insurance premium (employee plus employer share) during a period of leave without pay. During a period of leave without pay employees will be billed for their health insurance coverage. If coverage is suspended or cancelled during a period of leave without pay, there will be a waiting period before health insurance will become effective again after a return to the payroll. Employees should contact Human Resources if they have any questions regarding benefits during a leave of absence.

- **Dental and Vision Coverage**

State administered (PEF, M/C, PBANYS) dental and vision coverage will continue during a period of Family and Medical Leave, and /or while an employee remains on the payroll (at a benefit eligible level) during a leave of absence. This coverage is automatically terminated once an employee enters a non-FMLA leave without pay status. Employees seeking to continue dental and/or vision coverage while on a non-FMLA leave should notify Human Resources. Employees represented by CSEA or UUP should contact the CSEA Employee Benefit Trust Fund or the UUP Benefit Trust Fund regarding their dental and vision coverage.

- **Retirement**

Contributions to retirement plans are based on wages earned. Contributions will not be made for earnings lost during leave without pay. Employees' Retirement System (ERS) and Teachers' Retirement System (TRS) members will not receive service credit for periods of leave without pay (excluding Workers' Compensation leave).

- **Other Benefits**

Employees that have personal insurance or other benefits through payroll deduction should make arrangements with each provider to make direct payments while on leave without pay. This also applies if your check during a pay period is not sufficient to support the deduction(s). Employees should contact Human Resources if they have any questions regarding benefits during a leave of absence.

- **Leave Accruals and Holidays**

Holidays that fall during a period of leave without pay will not be paid.

Classified Staff – If an employee is on leave without pay for more than 3 days during a pay period, they will not earn accruals for that pay period.

Faculty and Professional Staff – If an employee is on leave without pay for the majority of the month, they will not earn accruals for that month.

- **Permanent or Continuing Appointment**

Periods of leave without pay or less than 100% pay will extend the time towards permanent or continuing appointment, but will not be considered an interruption in otherwise continuous service.