

Pregnancy as Temporary Medical Disability

The College at Brockport complies with all pertinent federal and state legislation. Pregnant employees who are medically disabled must be treated in the same way as other employees with temporary disability. These leaves do not extend an appointment beyond the date it would otherwise end.

Communication

Employees are encouraged to inform their supervisor of a pregnancy or adoption as early as possible, so that a planning process can begin. Opening the lines of communication early can help to accommodate personal needs, and the department's staffing and work assignment responsibilities.

In some cases, the duties of a position may be hazardous or burdensome during pregnancy. To ensure health and safety, the College may require a medical evaluation, at no cost to the employee, to determine if early leave is appropriate.

Definition of the Disability Period

- New York State defines the period of disability for an uncomplicated pregnancy as: up to (4) weeks before the anticipated delivery date, through (6) weeks after delivery and (8) weeks after a caesarean section.
- If medical complications arise which extend a period of disability, please call the Office of Human Resources for assistance.

How to Apply

Employees are recommended to schedule an appointment with Human Resources (30 days prior to leave start date) to discuss leave entitlements and procedures. Employees eligible for leave under the Family Medical Leave Act (FMLA) will be provided with forms and information.

Using Your Accruals

Sick leave accruals may only be used during a period of disability. Upon depletion of sick accruals, vacation, holiday or personal leave accruals, may be charged.

Absence With Pay – Sick Leave-Half Pay

The Sick Leave at Half Pay entitlement is available to permanent or contingent permanent classified employees who are absent because of *personal illness*, and have exhausted all of their available leave credits, (accruals are considered to be exhausted when the balance is less than the number of hours in the employee's normal workday). Sick Leave at Half Pay may be granted if the following conditions are met: (1) the employee is personally ill or disabled. (2) employee has a cumulative year of creditable service, and is eligible to accrue leave credits under Time & Attendance Rules.

In Summary:

- Sick Leave at Half Pay will be provided only during a disability period.
- To apply for Sick Leave at Half Pay, an employee must have exhausted all sick, vacation, personal, and holiday compensatory accruals.
- The cumulative total of Sick Leave at Half Pay an employee shall receive, is one payroll period for each six months of State service the employee has completed.
- Medical documentation must be submitted periodically to support a continuing absence.

Please note: see Human Resources website at www.brockport.edu/hr for additional Sick Leave at Half Pay information.

Leave for Child Care

Leave for child care is generally without pay and will be granted for up to seven (7) months from the baby's birth date (the seven months includes the period of disability following the birth date). Vacation and/or holiday accruals may be used, if available, during child care leave to remain in a paid status. Employees should discuss the terms of the leave (start date & anticipated return to work date) with their supervisor. This leave is available to either parent.

Family & Medical Leave (FMLA)

FMLA, which can provide up to (12) weeks of unpaid leave with continuation of certain benefits, runs concurrently with disability and child care leave. Eligible employees should apply for maternity, paternity and leave for adoptions through the FMLA process. For information on eligibility and continuation of benefits during FMLA leave, call the Office of Human Resources.

Legal Adoption

- Legal adoption is covered under FMLA.
- Documentation of the adoption is required.
- State contracts provide employees, regardless of gender, with up to (7) months child care leave without pay.
- Upon request, vacation, personal and/or holiday accruals may be used to support a paid leave, however, the use of accruals will not extend the seven month period.
- Sick leave accruals may only be used if the child has a serious medical condition. In this instance, a medical note must be submitted to support the charging of sick leave accruals.
- This leave may start at any time after the child begins living with the adoptive parents up to the effective date of adoption.

Q & A

1. If I intend to use accruals for my entire leave, must I contact Human Resources & apply for FMLA?

Yes, all disability related leaves should be coordinated through your Human Resources Office.

2. Can sick leave accruals be used during child care leave?

Sick leave accruals may only be used during the disability period (4 weeks before delivery, 6-8 weeks after delivery, depending on type of delivery)

3. Must I exhaust all of my leave accruals before being eligible for Sick Leave at Half Pay?

Yes, all available leave accruals must be exhausted before being eligible for Sick Leave at Half Pay.

4. If my initial request for leave for child birth is less than seven months, am I entitled to extend my leave?

Yes, an employee who requested a leave for child care purposes less than seven months is entitled to have the leave extended, upon request, up to the seven months maximum.

5. May an employee return to work sooner than 6-8 weeks after child birth?

An employee is considered to be disabled for at least 6 (8 weeks, if caesarean). In order to return sooner, an employee must submit medical documentation to Office of Human Resources, clearing them to return to full duty. H.R. will contact the department noting the employee's intentions to return early.

6. If both parents are State employee's, are each entitled to seven months leave for child care?

No, parents may elect to share the mandatory seven months leave. They are not entitled to exceed a combined total of seven months, and the leave may not extend beyond seven months from delivery date.

Should you have additional questions or concerns, and would like to apply for FMLA, please call the Human Resources Office:

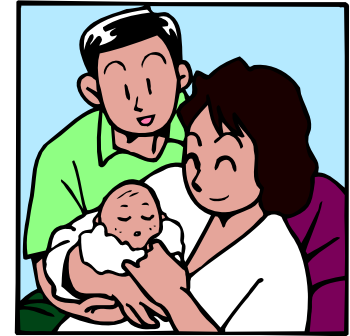
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www.brockport.edu/hr



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK



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For

**CHILDCARE
CHILD BIRTH
ADOPTION**

**STATE
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**Human Resources
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