

MATERNITY LEAVE FOR UUP PROFESSIONALS, FACULTY and M/C PROFESSIONALS

The Policies of the Board of Trustees and the Agreement between the State and the United University Professions, Inc. do not address maternity leave as a separate category from sick leave. However, the State policy entitled "Leave for Pregnancy, Childbirth and Child Care" is applicable to members of UUP and M/C employees. A copy of this policy is contained below. Under this policy, maternity leave is actually sick leave with pay, for that period of time that the employee is disabled due to pregnancy and childbirth, and other leave, for that period after the employee is no longer disabled but wishes to remain on leave of absence without pay for the purpose of child care. The period of sick leave will be determined based upon a statement from the employee's physician indicating the anticipated period of disability.

In most instances, this period should not exceed four weeks before the anticipated delivery date and six weeks after delivery. Periods of sick leave beyond these general limits will require a detailed statement from the employee's physician. During the period of disability, the employee shall be permitted to use accumulated sick leave credits. If the employee does not have sufficient accumulated leave credits to cover the entire period of disability, the employee may request additional sick leave at full or partial salary as described in the *Additional Sick Leave Request Policy and Procedure*. Following the period of disability, approval of other leave without pay for the purpose of childcare will generally not be approved for a period beyond seven months after the birth of the child. Approval of leave of absence beyond the seven-month limit will require substantial justification.

As each case of maternity leave is different, UUP and M/C Professional employees should call the Office of Human Resources for further assistance.

Note: FMLA runs concurrently with maternity/childrearing leave.

Leave for Pregnancy, Childbirth and Child Care
Professional Services Negotiating Unit

Pregnant employees may be asked or encouraged to report the existence of pregnancy, but they may not be required to do so. Where, in the opinion of the Chief Administrative Officer or designee, the nature of the duties performed may be particularly hazardous or burdensome during pregnancy, this should be pointed out in the letter of appointment and such employees should be urged to advise their supervisors of any pregnancy. In any case where the Chief Administrative Officer or designee believes the employee is unable to perform the duties of the position because of pregnancy, the employee may be required to undergo a medical examination, at the expense of the campus, by a physician designated by the campus. A pregnant employee who is determined to be medically disabled from the performance of job duties must be treated the same as any other employee similarly disabled insofar as disability leave benefits are concerned.

Sick leave may only be used during a period of medical disability. Under this policy, disabilities arising from pregnancy or childbirth are treated the same as other disabilities in terms of eligibility for or entitlement to sick leave with and/or without pay and extended sick leave. Generally the period of such disability is deemed to commence approximately four weeks prior to delivery and to continue for six weeks following delivery. While doctor's certificates may be required for any period of disability, campuses should request detailed medical documentation whenever disability is claimed to commence prior to or to extend beyond the period of disability described above.

A Chief Administrative Officer or designee may approve an employee's request for leave without pay during pregnancy and prior to the onset of any medical disability as a matter of discretion. Absences during pregnancy and following childbirth may be charged to vacation, irrespective of whether the employee is disabled. While the use of annual leave prior to the onset of medical disability is discretionary with the Chief Administrative Officer, employees must be permitted to use these accruals during a period of medical disability after sick leave with pay has been exhausted.

Employees, regardless of sex, are entitled to leave without pay for childcare for up to seven months following the date of delivery¹. For the purposes of computing the seven-month period of mandatory leave, periods during which the employee was absent for "disability" or use of leave credits are included: the mandatory seven-month period is not extended by the granting of disability leave or the use of accrued leave. During a period of leave for childcare, employees shall be permitted, upon request, to use annual leave before being granted leave without pay. As is the case with other mandatory leaves without pay (e.g., military leave), the University shall not require the employee exhaust all appropriate leave credits prior to being granted leave without pay for child care. Sick leave may only be used during a period of medical disability. Except in the case of continuing medical disability, any leave of absence beyond the seventh month following childbirth shall be at the discretion of the Chief Administrative Officer.

An employee who requests a leave for child care of less than seven months is entitled to have such leave extended, upon request, up to the seven-month maximum and may at the discretion of the Chief Administrative Officer or designee, have such leave extended beyond the seventh month. In certain situations, an employee may not be permitted to return from such leave until the expiration of the period the employee requested and was granted. Generally, such restrictions on an early return are limited to situations where such return would be disruptive of a project or where the termination of a replacement would occur.

During the seven-month period following childbirth, the granting of leave for childcare is mandatory upon request from either parent. If both employees are State employees, leave for child care is mandatory 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.

Campuses may, in their discretion, extend leave for childcare beyond the mandatory seven months.

Furthermore, while one parent is absent on leave for childcare, campuses continue to have the discretion to approve requests from the other parent for periods of vacation, pursuant to Paragraph 23.2(e) of the Agreement between the State of New York and United University Professions.

Temporary and probationary employees without any permanent status are entitled to leave with full pay and/or without pay as described above. However, these employees are not eligible for leave beyond that date when their employment would otherwise terminate. In general, the State's policy on leave for pregnancy, childbirth and childcare shall not be construed to require extension of any employment beyond the time it would otherwise terminate.

Notes:

1. *In cases of legal adoption under Article 7 of the Domestic Relations Law, leave for child-rearing purposes shall be granted where the adoptive child is required to reside with the adoptive parents for at least six months prior to an order of adoption being made. In such cases, leave for child-rearing purposes shall be granted for six months commencing from the date the adoptive child begins actual full-time residence with the adoptive parents. Additional leave for child-rearing purposes may be granted in the discretion of the Chief Administrative Officer, provided, however, child-rearing leave shall not exceed a period of two years cumulatively.*
2. *FMLA runs concurrently with maternity/childrearing leave.*