

Pregnancy as Temporary Medical Disability

Stony Brook University 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 a 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 University 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 four (4) weeks before the anticipated date of delivery, through six (6) weeks after delivery/eight (8) weeks after a caesarean section.
- ◆ If medical complications arise which extend a period of disability, please call Human Resource Services (HRS) for assistance.

How To Apply For Leave

Employees are recommended to schedule an appointment with HRS-Time & Attendance (30 – 60 days prior to leave start date) to discuss leave entitlements and procedures. Employees eligible for leave under the Family and Medical Leave Act (FMLA) will be provided with the necessary forms and information.

Using Your Accruals

Sick leave accruals may only be used during a period of disability. Upon depletion of sick accruals, employees may apply for Additional Sick Leave. Please note: vacation and holiday accruals, if available, may also be used.

Additional Sick Leave (Often called Presidential Leave)

- Additional Sick Leave is discretionary and requires the University President's approval.
- Sick leave accruals must be exhausted before being eligible for Additional Sick leave.
- Additional Sick Leave may be granted by the President at full pay, partial pay or without pay.

APPLYING FOR ADDITIONAL SICK LEAVE: (Presidential Leave)

- ❖ Employees must provide a written request (including all pertinent information plus *medical documentation) to your Supervisor/Department Head/ Chair or Dean.
- ❖ Departments **must** forward (1)the employee's written request (2)*medical documentation, and (3) the department's recommendation approving leave (at full, partial or without pay) to * their VP area.
- ❖ VP area must forward the above items, plus VP's recommendation to ** HRS.
- ❖ HRS will review the documentation, and forward the request to the President for final decision.
- ❖ Employees will receive written confirmation from the President on the status of their leave.

- * Medical documentation can be submitted directly to HRS-Time & Attendance (marked confidential).
- ** VP recommendation not needed for hospital employees, packages sent to Human Resources – Tech Park.
- ***HSC Faculty-packages not sent to HRS, they are reviewed in HSC VP/Dean's area.

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 include the disability period following birth). 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 and Medical Leave (FMLA)

FMLA, which can provide up to twelve (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 your Human Resource office.

Legal Adoption

- ◆ Legal adoption is covered under FMLA.
- ◆ Documentation of the adoption is required.
- ◆ State contracts provide employees, regardless of gender, with up to seven (7) months child care leave without pay.
- ◆ Upon request, vacation 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.
- ◆ Leave may start at any time after the child begins living with the adoptive parents up to the effective date of adoption.

Expressing Breast Milk in the Workplace

Under Section 206-c of the New York State Labor Law, nursing mothers returning to work are entitled to take unpaid leave for the purpose of expressing breast milk. For more information; www.labor.state.ny.us
Search for: 206-c

A child is one of the world's most important assets and we wish you every success in your parenting role.

Q & A

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

Yes, all disability related leaves should be coordinated through your Human Resource 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 Additional (Presidential) Sick Leave?

Sick leave accruals must be exhausted before being eligible. Supervisors may suggest that employees use some vacation and/or holiday accruals.

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 of less than seven months is entitled to have the leave extended, upon request, up to the seven month 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 weeks (8 weeks, if caesarean). In order to return sooner, an employee must submit medical documentation to Human Resource Services (HRS), clearing them to return to full duty. HRS will contact the department noting the employee's intentions to return early.

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

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

7. As a nursing mother do I have any entitlements regarding expressing breast milk in the workplace?

Yes, the employer is required to provide reasonable unpaid break time for this purpose.

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

Lorraine Berry

Human Resource Services
West Campus - HSC
(631) 632-6189
(631) 632-4989 Fax

Des Jessop

Human Resource Services
West Campus - HSC
(631) 632-6181
(631) 632-4989 Fax

Long Island State Veterans Home
(631) 444-8617

Human Resources, University Hospital
(631) 444-4747

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For

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&**

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**Human Resource Services
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