

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 (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 Human Resource Services (HRS) for assistance.

How To Apply

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 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 HRS website 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 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 (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.

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 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 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 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.

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

Long Island State Veterans Home
(631) 444-8617

Human Resources, University Hospital
(631) 444-4734

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www.stonybrook.edu/hr

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