

 <p>The College at Brockport State University of New York</p> <p>Category: Office of Human Resources</p> <p>Responsible Office: Human Resources</p>	<p>Policy Title: Childbirth, Childcare, Adoption for Faculty and Professional</p>
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Policy:

Pregnancy as Temporary Medical Disability

The College at Brockport complies with all 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 the length of any current term or temp or probationary 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.

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.
- This leave may start at any time after the child begins living with the adoptive parents up to the effective date of adoption.
- 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.

Institutional (The College at Brockport) Guidelines

APT Timeline: Unless requested and approved pursuant to Trustees policy, the child birth/childcare leave arrangements described above will have no bearing on timetables for academic personnel decisions (e.g., term renewal, promotion, tenure).

Teaching Releases: Sick leave for childbirth may necessitate a faculty member's release from an entire semester of teaching responsibilities (i.e., the leave falls [a] during the regularly scheduled fall or spring semester and [b] is of a duration that makes an initial teaching assignment for that semester, or a later return to teaching during that semester, unfeasible or undesirable). In this situation, full pay will be provided through the use of sick leave accruals or (if requested) an altered professional obligation. In the latter case the faculty member will work with the chair and dean to create a professional obligation that creates value with regard to teaching, research and/or service. The altered obligation will be submitted in memo form along with the Appointment Form to the Office of Human Resources.

Procedure:

How to Apply

Employees are recommended to schedule an appointment with the Office of 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, employees may apply for Additional Sick Leave. Please note: vacation and holiday accruals, if available, may also be used.

Forms:

1. Leave Request Form
 2. Family Medical Leave Department of Labor Physician Statement: [Form #1215-0181](#)
 3. Appointment Form
 4. Memo stating agreement between employee and supervisor that must include both signatures
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Reference(s):

<http://www.brockport.edu/hr/Leaves/documents/facultymaternityleavepolicy.doc>

<http://www.brockport.edu/hr/Leaves/documents/ntpmaternityleavepolicy.doc>