

**University Faculty Senate  
Executive Committee  
171st Plenary  
SUNY Buffalo State  
October 24, 2015**

### **Resolution Requesting Modification of Family Medical Leave Policy**

**Whereas** it is understood that healthy work-life balance and attention to family life create healthy and productive work environments and allow employers to retain employees in which they have already invested; and

**Whereas** employers in states that have adopted Family Medical Leave (FML) policies have found social and economic benefits for employees and employers following the implementation of paid family leave policies<sup>1</sup>; and

**Whereas** university systems that have adopted family friendly policies report gaining a competitive advantage for recruiting and retaining exceptional employees;<sup>2</sup> and

**Whereas** the ability to balance short-term family needs with the demands of the workplace is important for maintaining employees' good work performance and the health and wellness of employees; and

**Whereas** many employees within the State University of New York will experience a need for FML at some point in their careers; and

**Whereas** campuses across the SUNY system have inconsistent policies and procedures surrounding the implementation of FML and there is no singular direction from the State University of New York, nor the State and Federal Governments; and

**Whereas** SUNY does not have a policy of paid FML and therefore retaining salary during FML requires the use of accrued sick and/or vacation leave; and

**Whereas** The Policies of the Board of Trustees (Title F, §1b) state that a "leave of absence without salary may also be granted under appropriate circumstance, for the purpose of child care", and

**Whereas** the current New York State (NYS)-United University Professions (UUP) contract<sup>3</sup> requires that academic and professional staff who want to extend the timeline for the continuing appointment

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1. "Paid Maternity Leave is Good for Business", The Wall Street Journal, December 16, 2014. Last accessed at <http://www.wsj.com/articles/susan-wojcicki-paid-maternity-leave-is-good-for-business-1418773756> on April 24, 2015, Appelbaum, E., & Milkman, R. (2011). Leaves that pay: Employer and worker experiences with paid family leave in California. Retrieved from <http://www.cepr.net/> and

2. Faculty Family Friendly Edge. (2005). University of California. <http://ucfamilyedge.berkeley.edu/ucfamilyedge.pdf>. Additionally CUNY has a negotiated benefit for eight weeks of paid parental leave for instructional and professional staff. <http://psc-cuny.org/updated-paid-parental-leave-agreement>.

3. **Article 23.7.a.** Leaves of absence without salary may also be granted under appropriate circumstances for the purpose of child care.

decisions for FML must either (a) take leave without pay, (b) choose part-time service (losing some percentage of their salary) or (c) step out of rank or title and take a qualified academic rank or a qualified professional title (sometimes called “stop the tenure clock”); and

**Whereas** the need for FML does not always occur in convenient alignment with the academic calendar and presents difficulties for irregular start and end dates for FML, requiring flexibility with respect to employee workload; and

**Whereas** academic-year faculty have no leave time accruals beyond sick leave and may therefore not have sufficient paid leave to use for FML; and

**Whereas** at least nine faculty senate bodies in the SUNY system endorsed a resolution supporting FML in April or May of 2015; and,

**Whereas**, the adoption of clear and open policies for FML for faculty and professionals at SUNY could provide a model for how FMLA could be implemented to benefit other state employees; therefore

**Be it resolved** that the University Faculty Senate (UFS) requests that SUNY System Administration, in the next round of contract negotiations, work with union representatives to address the implementation of FML in a system-wide and uniform way and to advocate for paid FML that promotes retention of valuable employees and increases employee morale while addressing issues of equity. Specific items might include, but are not limited to

- (a) changing the language in the current NYS-UUP Contract<sup>4</sup>/SUNY Board of Trustees Policies to eliminate the requirements for extensions of the timeline for continuing appointment and adopt a “stop the tenure clock” policy for FML that does not compromise our employees professionally by requiring them to step out of rank or financially by forcing them to accept reduced pay or part-time assignments; and
- (b) amending the BOT Policies on “Title F Other Leaves” to remove language that presents childcare leaves as unpaid leaves, in keeping with the intent of FML; and

**Be it further resolved** that UFS senators and Campus Governance Leaders are urged to advocate for support of this resolution on their campuses in order to express to SUNY, UUP, and the State of New York’s Chief Executive that appropriate FML policies and their implementation are important to a broad number of campuses and should be of high priority in the next round of NYS-UUP contract negotiations.

171-02-1

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Passed