



United University Professions



United University Professions

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FAMILY LEAVE AND WORK-LIFE SERVICES GUIDE



Updated 2019

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MILITARY CAREGIVER LEAVE—Possible Accommodations for UUP Members

| UUP Contract Provisions | Professionals and Calendar Year Academics | Academics with Academic Year Appointments |
|--|---|---|
| Title F Leave SUNY Board of Trustees Policies, Article XIII, Title F | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. |
| Voluntary Reduction in Work Schedule (VRWS) NYS/UUP Contract, Appendix A-46 | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for use during same pay period or later use during another period. | A Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for use during same pay period or later use during another period. |
| Tenure Clock Stop SUNY Board of Trustees Policies Article II (o) & (k) and definitions section | Option to request temporary cessation of “tenure” clock, at discretion of campus administration. Employee is put in qualified academic or professional rank/title while off the clock. | Option to request temporary cessation of “tenure” clock, at discretion of campus administration. Employee is put in qualified academic rank/title while off the clock. |
| Campus-Based Options for Flexibility (at discretion of campus president) | Reduced appointment status ² Flexible scheduling Modified or alternative duties | Reduced appointment status ² Flexible scheduling Modified or alternative duties |

¹ The FMLA provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned for any or all periods of FMLA use.

² Reducing to part-time status from full-time status has an effect on leave accruals, health insurance, time toward tenure, and retirement contributions/credit. You should consult with your UUP chapter officers to consider all implications of this option.

MILITARY CAREGIVER LEAVE—Possible Accommodations for UUP Members

There are a variety of family leave options available to eligible full-time and part-time employees. The following chart details some of them. You should seek additional information from your UUP chapter officers and/or your campus Human Resources Department.

| UUP Contract Provisions | Professionals and Calendar Year Academics | Academics with Academic Year Appointments |
|---|--|--|
| Fully Paid Leave Provisions¹ NYS/UUP Contract, Article 23 and Appendix A-42 | Up to 30 days of accrued sick leave may be charged per contract year to care for sick family members Accrued vacation leave and/or other leave credits may also be charged. Runs concurrent with FMLA for FMLA-eligible employees. Health insurance continues during paid leave time. | Up to 30 days of accrued sick leave may be charged per contract year to care for sick family members Runs concurrent with FMLA for FMLA-eligible employees. Health insurance continues during paid leave time. |
| Partially Paid Leave NYS Paid Family Leave (NYS PFL) statutory benefit, as negotiated in the NYS/UUP Contract, Article 23 and Appendix A-42 | 2019: Up to 10 weeks of partially paid leave to care for sick family members and/or for assisting family members deployed abroad for military service with “covered exigencies” at 55% of employee’s average weekly wage (AWW), not to exceed 55% of the NYS AWW 2020: Up to 10 weeks at 60% of AWW 2021: Up to 12 weeks at 67% of AWW Health insurance continues provided the employee pays employee share of premium. Leave accruals may not be used on same day as NYS PFL leave is used. NYS PFL time may be used intermittently in full day increments. | 2019: Up to 10 weeks of partially paid leave to care for sick family members and/or for assisting family members deployed abroad for military service with “covered exigencies” at 55% of employee’s average weekly wage (AWW), not to exceed 55% of the NYS AWW 2020: Up to 10 weeks at 60% of AWW 2021: Up to 12 weeks at 67% of AWW Health insurance continues provided the employee pays employee share of premium. Leave accruals may not be used on same day as NYS PFL leave is used. NYS PFL time may be used intermittently in full day increments. |
| Unpaid Leave Federal Family and Medical Leave Act (FMLA) ¹ | Up to 26 weeks of unpaid FMLA leave to care for family members who are ill or injured as a result of active military duty. Up to 12 weeks of unpaid FMLA leave for assisting family members who are deployed abroad for military service with “covered exigencies.” Health insurance continues provided the employee pays employee share of premium. Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave. FMLA time may be used intermittently in partial or full day increments. | Up to 26 weeks of unpaid FMLA leave to care for family members who are ill or injured as a result of active military duty. Up to 12 weeks of unpaid FMLA leave for assisting family members who are deployed abroad for military service with “covered exigencies.” Health insurance continues provided the employee pays employee share of premium. Paid leave options (e.g. sick leave) may be used during FMLA leave. FMLA time may be used intermittently in partial or full day increments. |

What you need to know

To support our members’ efforts to balance their family and work needs, UUP has compiled this Family Leave/Work-Life Services Guide. It outlines options to address family leave needs and identifies programs and services that can assist professionals and academics as they attempt to balance work and family life. Our goal is to bring together “everything you need to know” to explore possibilities and identify services available to you as a UUP member.



This guide covers leaves for birth, adoption, foster care placement, care of sick relatives and domestic partners, assisting family members deployed abroad for active duty military service, and death of family members through:

- Using leave accruals for **fully paid leave**;
- **Partially paid leave** under the NYS Paid Family Leave law, as bargained by UUP; and
- **Unpaid leave** under the federal Family and Medical Leave Act (FMLA) and the UUP contract.



The guide also covers:

- Tenure clock stoppage for Academics and Professionals following childbirth, adoption, or foster care placement;
- Possibilities for flexible work arrangements;
- New York State Work-Life Services* programs negotiated by UUP; and
- Support services and member benefits programs from UUP, New York State United Teachers, the American Federation of Teachers, and the National Education Association.

This guide is not intended to address all circumstances or individual issues. It does, however, provide a comprehensive picture of possible options and benefits UUP bargaining unit members can access.

Members are advised to seek further information from their UUP chapter offices and/or campus Human Resources departments.

Appendix A-42 (Family Leave) in the NYS/UUP contract encourages campuses to be flexible in accommodating family needs and provides options for such accommodations.

** Work-Life Services programs for NYS employees are funded through the state’s collective bargaining agreements with UUP and other state employee unions. Information is available at www.worklife.ny.gov*

Summary of Available Programs

Family Leave

There are several option available for fully paid, partially paid, or unpaid leave for family care purposes. They are described in Article 23 and Appendix A-42 of the NYS/UUP contract. This guide provides information about the family leave choices UUP professionals and academics have and the procedures they should follow to clarify and implement them.

Twelve weeks of unpaid leave for family care purposes is available to eligible employees under the federal Family and Medical Leave Act (FMLA). Up to seven months of unpaid leave for child care purposes is provided by the NYS/UUP contract. Employees have the option of using appropriate leave credits to retain full pay during FMLA and/or NYS child care leave. Accrued sick time is the primary vehicle for fully paid time off for birth, adoption, foster care placement, and care of sick relatives (including elders). Employees who accrue other leave time may also charge that time.

UUP’s 2016-2022 contract includes a new provision for use of New York State’s Paid Family Leave (NYS PFL) benefit, which allows partially paid leave for up to 10 weeks in 2019 and 2020 (increasing to 12 weeks in 2021) for bonding with a child in the first year following birth, adoption, or foster care placement; caring for a family member with a serious health condition; or assisting family members deployed abroad for military service.

Possibilities also exist for alternative work schedules and use of the Voluntary Reduction in Work Schedule (VRWS) program, which allows the employee to voluntarily arrange a pay reduction during a period of full-time work to receive the withheld pay during a later period of scheduled time off. Both require approval of the campus president or designee.

Bereavement Leave

Up to 30 days per contract year of accrued sick leave may be used for paid time off for the illness or death of a family member. Bereavement leave can be taken from this 30-day allotment.

NYS Work-Life Services

As a result of collective bargaining with UUP and other state employee unions, New York State provides several programs and services designed to help state employees balance work and family life. They include the following:

- support for campus day care centers;
- a pre-tax program with an employer contribution to help pay for child or other dependent care;
- a pre-tax program to help pay for health-related expenses;
- a pre-tax program to help pay for public transportation;
- a pre-tax program to help pay for adoption expenses;
- campus-based Employee Assistance Programs that provide confidential help to balance work with personal and family needs
- wellness programs; and
- pre-retirement seminars.

Affiliate Benefits and NYSUT Social Services

UUP is an affiliate of New York State United Teachers (NYSUT), the American Federation of Teachers (AFT) and the National Education Association (NEA). UUP members can access affiliate supplementary benefits that include financial services, a member shopping program, and other discount programs and services.

They can also receive confidential referral and resource information available to them and their families through NYSUT Social Services.

SICK RELATIVE (including Elder Care)—Possible Accommodations for UUP Members

| UUP Contract Provisions | Professionals and Calendar Year Academics | Academics with Academic Year Appointments |
|---|---|---|
| Title F Leave SUNY Board of Trustees Policies, Article XIII, Title F | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. |
| Voluntary Reduction in Work Schedule (VRWS) NYS/UUP Contract, Appendix A-46 | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for use during same pay period or later use during another period. | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for use during same pay period or later use during another period. |
| Tenure Clock Cessation SUNY Board of Trustees Policies Article II (o) & (k) and definitions section | Option to request temporary cessation of “tenure” clock, at discretion of campus administration. Employee is put in qualified academic or professional rank/title while off the clock. | Option to request temporary cessation of “tenure” clock, at discretion of campus administration. Employee is put in qualified academic rank while off the clock. |
| Campus-Based Options for Flexibility (at discretion of campus president) | Reduced appointment status ² Flexible scheduling Modified or alternative duties | Reduced appointment status ² Flexible scheduling Modified or alternative duties |
| Dependent Care Advantage Account NYS/UUP Contract, Article 46 | Pre-tax savings program plus employer contribution of up to \$800 to help with eligible child care, elder care, and disabled dependent care costs. | Pre-tax savings program plus employer contribution of up to \$800 to help with eligible child care, elder care, and disabled dependent care costs. |

¹ The FMLA provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned for any or all periods of FMLA use.
² Reducing to part-time status from full-time status has an effect on leave accruals, health insurance, time toward tenure, and retirement contributions/credit. You should consult with your UUP chapter officers to consider all implications of this option.

SICK RELATIVE (including Elder Care)—Possible Accommodations for UUP Members

There are a variety of family leave options available to eligible full-time and part-time employees. The following chart details some of them. You should seek additional information from your UUP chapter officers and/or your campus Human Resources Department.

| UUP Contract Provisions | Professionals and Calendar Year Academics | Academics with Academic Year Appointments |
|---|--|---|
| Fully Paid Leave Provisions¹ NYS/UUP Contract, Article 23 and Appendix A-42 | Up to 30 days of accrued sick leave; Runs concurrent with FMLA ¹ Accrued vacation leave and/or other leave credits may also be charged. Runs concurrent with FMLA for FMLA-eligible employees. Health insurance continues during paid leave time. | Up to 30 days of accrued sick leave; Runs concurrent with FMLA ¹ Runs concurrent with FMLA for FMLA-eligible employees. Health insurance continues during paid leave time. |
| Partially Paid Leave NYS Paid Family Leave (NYS PFL) statutory benefit, as negotiated in the NYS/UUP contract, Article 23 and Appendix A-42 | 2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW. 2020: Up to 10 weeks at 60% of AWW 2021: Up to 12 weeks at 67% of AWW Health insurance continues provided the employee pays employee share of premium. Leave accruals may not be used on same day as NYS PFL leave is used. NYS PFL time may be used intermittently in full-day increments. | 2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW. 2020: Up to 10 weeks at 60% of AWW 2021: Up to 12 weeks at 67% of AWW Health insurance continues provided the employee pays employee share of premium. Leave accruals may not be used on same day as NYS PFL leave is used. NYS PFL time may be used intermittently in full-day increments. FMLA time may be used intermittently in partial or full-day increments. |
| Unpaid Leave Federal Family and Medical Leave Act (FMLA) ¹ | Up to 12 weeks of unpaid FMLA leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year for care of sick parents. Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave. FMLA time may be used intermittently in partial or full-day increments. | Up to 12 weeks of unpaid FMLA leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year for care of sick parents. Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave. FMLA time may be used intermittently in partial or full-day increments. |

FAMILY LEAVE OPTIONS

The information in this section provides UUP members with options for time off and/or possible alteration of work schedules to accommodate family care needs. Our purpose is to assure that UUP members know these options exist and to provide information to assist in developing a plan to address their needs in a family-care episode involving birth; adoption; foster care placement; a family member’s illness/injury or death; or

a family member’s active military service. It covers intermittent or continuous family care demands. Members should contact their UUP chapter offices and campus Human Resources departments to assist with their individual needs and questions and to obtain the most up to date information. The Frequently Asked Questions section and charts at the end of this document also provide more information.

Time Off for Birth, Adoption, Foster Care Placement, Sick Relative Care, or Assisting Family Members on Active Military Duty

UNPAID LEAVE

FMLA and NYS Seven Month Child Care Leave
Employees who have met the statute’s eligibility criteria can take up to 12 weeks of unpaid leave under FMLA. Up to 26 workweeks of unpaid FMLA leave is available to eligible employees to care for a family member who incurs a serious illness or injury in active military duty. FMLA eligibility criteria include having worked for an employer for at least 12 cumulative months and having worked at least 1,250 hours during the 12 consecutive months prior to the start of FMLA leave. Health insurance must be maintained so long as the employee continues paying the employee share of the health insurance premium during the FMLA unpaid leave. Employees, regardless of gender, are entitled to NYS child care leave without pay for child care for up to seven months following the date of delivery or adoption (NYS/UUP Contract, Article 23.13 and Appendix A-42). Employees may charge appropriate accrued leave during NYS child care leave to remain on payroll and continue health insurance. Health insurance will also continue during any FMLA and/or NYS PFL partially paid leave so long as the employee’s share of premium is paid. Employees on NYS child care leave that is not covered by FMLA, NYS PFL leave, or charged accruals may continue health coverage by paying the employee *and* employer shares of premium. Questions regarding health insurance coverage should be addressed to the Health Benefits Administrator in the campus Human Resources Department or the NYS Department of Civil Service. Questions regarding vision and dental coverage should be addressed to UUP Benefits at (800) 887-3863.

Membership During Unpaid Leaves

UUP members who want to assure continuation of UUP membership rights and benefits during unpaid leaves must make a payment of \$47 for a one-year leave within 60 days after commencement of their leave. An unpaid leave of shorter duration may be prorated. This payment will assure eligibility for UUP membership and UUP benefits, including coverage of the \$6,000 life insurance and \$1,500 accidental death plans. Access to UUP, NYSUT and AFT member-purchased benefits is also included.

Please note that these dues are not payments to continue health insurance, prescription drug plans, or dental/vision care. You may obtain information to continue these benefits from UUP Member Benefits and Services at (800) 887-3863. To continue your UUP membership, mail a copy of your employer provided unpaid leave approval letter and a check for \$47 for a one-year unpaid leave payable to “UUP Membership Dues” to UUP, P.O. Box 15143, Albany, N.Y. 12212-5143.

For further information, contact UUP Member Benefits and Services at (800) 887-3863.

PARTIALLY PAID LEAVE (NYS PFL)

NYS Paid Family Leave Program (NYS PFL)

The UUP/NYS contract provides coverage under New York State’s Paid Family Leave statute. NYS PFL provides partially paid leave for bonding with a child in the first year following birth, adoption, or foster care placement; caring for a family member with a serious health condition; or assisting family members deployed abroad for military service.

- Effective Jan. 1, 2019, an eligible employee may receive up to 10 weeks of paid family leave in a 52-week period at 55% of the employee’s average weekly wage, not to exceed 55% of the NYS Average Weekly Wage (SAWW).
- Effective Jan. 1, 2020, an eligible employee may receive up to 10 weeks of paid family leave in a 52-week period at 60% of the employee’s average weekly wage, not to exceed 60% of the SAWW.
- Effective Jan. 1, 2021, an eligible employee may receive up to 12 weeks of paid family leave in a 52-week period at 67% of the employee’s average weekly wage, not to exceed 67% of the SAWW.

The SAWW is adjusted annually by the NYS Department of Labor. The SAWW for the 2019 calendar year is \$1357.11.

NOTE: This amount may be adjusted in subsequent years.

Health Benefits Continuation When Using NYS Paid Family Leave (NYS PFL)

Employees are entitled to continuation of health benefits coverage during NYS PFL-covered absences. While using PFL, the employee remains responsible for the employee share of premium. If the employee uses NYS PFL on an intermittent basis and receives a paycheck for days not charged to NYS PFL, health insurance premiums will be deducted from that paycheck so long as there is enough money to cover the deductions. If the amount of the check is insufficient or if the employee is off the payroll and using NYS PFL for one or more full pay periods, the employee will be direct billed by the Department of Civil Service for the employee share of premium.

Eligibility

A professional or academic employee whose regular professional obligation is primarily other than teaching classes is eligible for PFL if they work:

- **at least 20 hours per week**, once they have completed **26 consecutive workweeks** of such employment; or
- **less than 20 hours per week**, once they have completed **175 workdays** of such employment. For eligibility purposes, work days include days that the employee reports to work.

An **academic** employee whose regular professional obligation is primarily teaching classes is eligible for NYS PFL if they teach:

- **at least 2 courses per semester**, once they have completed **26 consecutive workweeks** of such employment; or
- **less than 2 courses per semester**, once they have completed **175 workdays** of such employment. For eligibility purposes, work days include days the employee is scheduled to teach/student contact, plus one additonal day per week.

Periods of professional obligation beginning prior to and/or after their respective semesters will count for eligibility purposes.

Unlike FMLA, there is no requirement to complete a minimum number of hours worked before an employee becomes eligible for PFL. Employees who meet the eligibility criteria, and have an unpaid leave of absence or vacation, are entitled to PFL immediately upon return to pay status. There is no need to again satisfy the service requirement. Paid leaves of absence or other periods where the employee is away from work but is still considered to be an employee are counted toward the service requirement, as long as the biweekly premium payment the employee makes toward the cost of PFL benefits has been paid for such periods of time.

For eligibility purposes, separations of less than one year will not constitute a break in service. Once an employee has had a separation of more than one year, they must again meet the minimum eligibility requirements for PFL.

ADOPTION and FOSTER CARE—Possible Accommodations for Parents

| UUP Contract Provisions | Professionals and Calendar Year Academics | Academics with Academic Year Appointments |
|---|---|---|
| Title F Leave | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. | Additional leave of absence at full salary, reduced salary, or without pay, may be available at discretion of campus president. |
| Voluntary Reduction in Work Schedule (VRWS) | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. |
| Adoption Advantage Account | Pre-tax savings program to help pay for adoption expenses | Pre-tax savings program to help pay for adoption expenses |
| Dependent Care Advantage Account | Pre-tax savings program, plus employer contribution of up to \$800, to help with child care costs | Pre-tax savings program, plus employer contribution of up to \$800, to help with child care costs |
| Tenure Clock Stop SUNY Board of Trustees Policies, Article XI, Title B & C | Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit. Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement without a change in rank or title. | Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit. Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement and/or during period of continued work for one or two semesters without a change in rank or title. |
| Campus-Based Options for Flexibility (at discretion of campus president) | Reduced appointment status ² Flexible scheduling Modified or alternative duties | Reduced appointment status ² Flexible scheduling Modified or alternative duties |

¹ The FMLA provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned for any or all periods of FMLA use.

² Reducing to part-time status from full-time status has an effect on leave accruals, health insurance, time toward tenure, and retirement contributions/credit. You should consult with your UUP chapter officers to consider all implications of this option.

ADOPTION and FOSTER CARE—Possible Accommodations for Parents

There are a variety of family leave options available to eligible full-time and part-time employees. The following chart details some of them. You should seek additional information from your UUP chapter officers and/or your campus Human Resources Department.

| UUP Contract Provisions | Professional and Calendar Year Academics | Academic Year Appointments |
|---|--|--|
| Fully Paid Leave Provisions¹ | <p>Sick leave: Up to 15 family sick days per calendar year (from 30-day family sick leave entitlement) may be used following adoption or foster placement.</p> <p>Accrued vacation leave and/or other leave credits may also be charged.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees.</p> <p>Health insurance continues during paid leave time.</p> | <p>Sick leave: Up to 15 family sick days per calendar year (from 30-day family sick leave entitlement) may be used following adoption or foster placement.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees.</p> <p>Health insurance continues during paid leave time.</p> |
| <p>Partially Paid Leave</p> <p>NYS Paid Family Leave statutory benefit, as negotiated in the NYS/UUP Contract, Article 23 and Appendix A-42</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> |
| <p>Unpaid Leave</p> <p>Federal Family and Medical Leave Act (FMLA)¹ Adoption and Foster Care</p> <p>NYS Child Care Leave (NYS/UUP Contract Article 23.13 and Appendix A-42, Part V) Adoption Only</p> | <p>Up to 12 weeks of unpaid FMLA leave following adoption or foster care placement with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full day increments.</p> <p>Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave.</p> <p>Up to 7 months leave of without pay following adoption. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by UUP contract (e.g. sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of contractual leave accruals. Option to continue health insurance for remaining leave by paying employee and employer share of premium.</p> | <p>Up to 12 weeks of unpaid FMLA leave following adoption or foster care placement with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full day increments.</p> <p>Paid leave options (e.g. sick leave) may be used during FMLA leave.</p> <p>Up to 7 months leave of without pay following adoption. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by UUP contract (e.g. sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of contractual leave accruals. Option to continue health insurance for remaining leave by paying employee and employer share of premium.</p> |

Use

NYS PFL may be used continuously or intermittently. When used intermittently, it must be used in full-day increments. Employees using NYS PFL are placed in leave without pay status and receive the partial salary from the insurance carrier administering SUNY's NYS PFL benefit.

If the reason for using NYS PFL is foreseeable, employees should provide at least 30 days advance notice. If this is not practicable, notice should be provided as soon as possible. Late notice can impact timely payment of the NYS PFL benefit.

Use of NYS PFL puts an employee in leave without pay status at SUNY. Depending on how PFL leave is used, its use may impact other benefits. For example:

- employees on leave without pay do not earn leave accruals or credit for holidays during the leave;
- leave without pay may affect service credit toward retirement in ERS or TRS and the employer contribution for the Optional Retirement Program (ORP) stops; and
- accrual of service time towards tenure or permanent appointment (the “tenure clock”) and sabbatical eligibility

stops during the leave;

Additional information about NYS PFL, including how to apply and the forms for doing so, may be found at

<https://www.suny.edu/benefits/attendance/pfl>

More detailed information specific to UUP, including examples of how NYS PFL may be used in coordination with charging leave accruals and/or FMLA, may be found at <https://www.suny.edu/media/suny/content-assets/documents/benefits/ltd/SUNY-PFL-Policy-December-2018.GOER-edits-12.7.18.pdf>

Coordination of NYS Paid Family Leave with Contractual Leave Benefits

An eligible employee taking time off to bond with a child or to care for or assist a qualifying family member may elect to receive full pay by charging contractual leave accruals, as appropriate, in accordance with Article 23 of the NYS/UUP contract or they may also elect to receive the NYS PFL benefit for partially paid leave. The two benefits cannot be used simultaneously, but can be used successively to supplement one another. Use of paid leave credits will not be counted against an employee's annual PFL entitlement. This allows eligible employees to coordinate use of NYS PFL with use of sick leave, vacation leave, or Voluntary Reduction in Work Schedule (VRWS) time, as appropriate, to maximize paid time off and continuation of health insurance while on family leave. Whether an employee is taking leave to bond with a child or to care for a family member, use of FMLA begins as soon as the leave commences, while use of NYS PFL can be delayed. NYS PFL bonding leave may be taken at any time within the first year of the child's birth or placement in the home. If NYS PFL is used immediately, it will count against the 12-week FMLA time clock. If NYS PFL is used after FMLA is exhausted, it will extend the time during which health care coverage must continue to be provided.

FULLY PAID LEAVE

FMLA generally provides eligible employees up to 12 weeks of unpaid leave. During FMLA leave, employees may opt to use appropriate leave accruals to retain full pay. Article 23 of the NYS/UUP contract defines appropriate use of leave credits.

Health insurance coverage is maintained during fully paid leave periods. The employee's share of the health insurance premium continues to be deducted from the member's paycheck. During periods of unpaid FMLA leave, health insurance continues but employees must pay their share of the premium directly since they are off payroll and their premium share cannot be deducted from their paychecks.

Use of contractual accruals to retain full pay

Birth:

For birth, UUP members can use up to 12 weeks of unpaid FMLA leave per calendar year. To retain full pay during FMLA leave, birth parents can charge accrued sick leave for the length of their own pregnancy-related disability, generally presumed to be 4 weeks prior to and 6 weeks post delivery. (NYS/UUP Contract, Article 23 and Appendix A-42). Spouses and domestic partners of a birth parent can take paid time by using the contract provision that allows up to 30 days of sick leave accruals per contract year for care of family members. (NYS/UUP Contract, Article 23.4(f)(4)). Employees who accrue vacation leave or earn compensatory time may also use that time during FMLA leave.

Care of Sick Relatives:

For care of sick relatives, including elder care, UUP members can use up to 12 weeks of unpaid FMLA leave per calendar year. To retain full pay during an FMLA leave for sick relative care, a total of 30 days of sick leave accruals may be used per contract year. Employees who accrue vacation leave or earn compensatory time may also use that time during FMLA leave.

Adoption and Foster Placement:

For adoption or foster placement, UUP members are entitled to up to 12 weeks of unpaid FMLA leave per calendar year. To retain full pay during an FMLA leave, adoptive and foster parents may use up to 15 days of sick leave following the adoption or foster placement (from the 30 days of family sick leave per contract year). (Article 23.4(f)(5)). Employees who accrue vacation leave or earn compensatory time may also use that time during FMLA leave.

Family Members on Active Military Duty:

The FMLA covers employees for up to 26 weeks of unpaid leave to care for a family member who is injured on active military duty. The FMLA also provides up to 12 weeks of unpaid leave for any “qualifying exigency” arising out of the fact that the employee’s spouse, child, or parent is on active military duty in a foreign country. To retain full pay during FMLA leave, 30 days of sick leave accruals may be used per contract year to care for ill or injured family members. Vacation leave and/or compensatory time may also be charged. (NYS/UUP Contract Article 23 and Appendix A-42)

NOTE: Time off under FMLA is calculated per calendar year. Paid time off under the NYS/UUP contract is calculated per contract year (July 2-July 1).

Voluntary Reduction in Work Schedule (VRWS)

This program provides a way for UUP members to bank leave credits for later use to continue salary and health insurance coverage. It can help with planned family care events such as birth, adoption, family members’ surgery or other planned medical treatments. Before the event, a UUP member can voluntarily arrange a pay reduction for full-time work in order to receive the withheld pay during a later period of scheduled time off. This spreads out the financial burden for the member and can avoid loss of health insurance that occurs for an unpaid leave not covered by the FMLA or NYS PFL. The member does not leave the NYS payroll and could devise a schedule that doesn’t interrupt health insurance, leave accruals and other benefit coverage.

The VRWS program can be useful for members who want to retain some pay during a leave without using sick or vacation leave accruals. It is not limited to family care and can be used for other purposes as well. The VRWS program is available to academics and professionals. It is explained in Appendix A-46 of the NYS/UUP contract.

Flexible Work Schedules

Options to change work schedules or move from full-time to part-time work to meet family care needs can be arranged at the discretion of the campus president. It is often best to start at the department level to discuss options with immediate supervisors and department chairs. It is important to note that reducing to part-time status has effects on leave accruals, health insurance and time credited toward tenure (continuing or permanent appointment) and sabbaticals. It is strongly recommended that

PREGNANCY—Possible Accommodations for Birth and Non-Birth Parents

| UUP Contract Provisions | Professionals and Calendar Year Academics | |
|--|---|---|
| | Birth Parents | Non-Birth Parents |
| Leave Donation Exchange Program NYS/UUP Contract, Appendix A-45 | Receive sick days through the donation of vacation days by NYS employees to cover own illness or injury (including pregnancy-related disability). Only those who accrue vacation time are eligible to donate; anyone can receive donated time. | |
| Title F Leave | Additional leave of absence at full salary, reduced salary or without pay may be available at discretion of campus president. | Additional leave of absence at full salary, reduced salary or without pay may be available at discretion of campus president. |
| Voluntary Reduction in Work Schedule (VRWS) NYS/UUP Contract, Appendix A-46 | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. |
| Tenure Clock Stop SUNY Board of Trustees Policies, Article XI, Title B & C | Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit. Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement without a change in rank or title. | Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit. Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement without a change in rank or title. |
| Campus-Based Options for Flexibility (at discretion of campus president) NYS/UUP Contract, Appendix A-42 | Reduced appointment status ² Flexible scheduling Modified or alternative duties | Reduced appointment status ² Flexible scheduling Modified or alternative duties |
| Dependent Care Advantage Account NYS/UUP Contract, Article 46 | Pre-tax savings program, plus employer contribution of up to \$800, to help with child care costs | Pre-tax savings program, plus employer contribution of up to \$800, to help with child care costs |

¹ The FMLA provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned for any or all periods of FMLA use.
² Reducing to part-time status from full-time status has an effect on leave accruals, health insurance, time toward tenure, and retirement contributions/credit. You should consult with your UUP chapter officers to consider all implications of this option.

PREGNANCY—Possible Accommodations for Birth and Non-Birth Parents

There are a variety of family leave options available to eligible full-time and part-time employees. The following chart details some of them. You should seek additional information from your UUP chapter officers and/or your campus Human Resources Department.

| UUP Contract Provisions | | Professional and Calendar Year Academics | |
|--|---|---|--|
| | Birth Parents | Non-Birth Parents | |
| <p>Fully Paid Leave Provisions¹</p> <p>NYS/UUP Contract, Article 23 and Appendix A-42</p> | <p>May use accrued sick leave for own pregnancy-related disability (generally, 4 weeks before birth; 6 weeks after birth – more if medically necessary).</p> <p>Accrued vacation and/or other leave credits may also be charged.</p> <p>Additional sick leave may be provided at discretion of campus president.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees.</p> <p>Health insurance continues during paid leave time.</p> | <p>May use up to 30 days of accrued sick leave for family members' illness (including birth parent's disability) per contract year.</p> <p>Accrued vacation and/or other leave credits may also be charged.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees. Domestic partners not covered by FMLA.</p> <p>Health insurance continues during paid leave time.</p> | |
| <p>Partially Paid Leave</p> <p>NYS Paid Family Leave (NYS PFL) statutory benefit, as negotiated in the NYS/UUP Contract, Article 23 and Appendix A-42</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> | |
| <p>Unpaid Leave</p> <p>Federal Family and Medical Leave Act (FMLA)¹</p> <p>NYS Child Care Leave (NYS/UUP Contract Article 23.13 and Appendix A-42, Part V)</p> | <p>Up to 12 weeks of unpaid FMLA leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full day increments.</p> <p>Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave.</p> <p>Up to 7 months leave of without pay. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by UUP contract (e.g. sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of contractual leave accruals. Option to continue health insurance for remaining leave by paying employee and employer share of premium.</p> | <p>Up to 12 weeks of unpaid FMLA leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full day increments.</p> <p>Paid leave options (e.g. sick leave, vacation time, compensatory time) may be used during FMLA leave.</p> <p>Up to 7 months leave of without pay. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by UUP contract (e.g. family sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of contractual leave accruals. Option to continue health insurance for remaining leave by paying employee and employer share premium.</p> | |

individuals consult with their UUP chapter office before requesting reduction to part-time status from full-time status to consider all possible implications. Members considering these options may also contact their campus Human Resources Department for campus-specific policies on flexible work schedules and options, if any.

Other Flexible Work Arrangements

UUP members should consult with UUP chapter officers, as well as department chairs/immediate supervisors, to discuss other possibilities for accommodating their needs. Options may include flexible scheduling and modified duties, or alternative assignments granted at the discretion of the campus president.

OPTIONS TO STOP THE “TENURE CLOCK” FOR CONTINUING AND PERMANENT APPOINTMENTS

At the employee's request, academics and professionals are entitled to stop the tenure clock (continuing or permanent appointment) without changes in rank or title following childbirth, adoption, or foster care placement.

For reasons other than birth, adoption, or foster care placement, employees may request to stop the tenure clock temporarily and to be placed on a qualified academic rank or a qualified professional title for a pre-defined period. In cases other than those for birth, adoption, or foster care placement, granting the employee's request is at the full discretion of the campus administration.

Any request to be temporarily taken off the tenure clock has ramifications and should be done only after careful consideration. It is strongly advised that members who want to consider this option contact their UUP chapter officers for consultation, advice and help with development of a written agreement to stop and restart the tenure clock.

NOTE: Under the SUNY Policies of the Board of Trustees, Qualified Academic Rank is held by academic staff having the title of lecturer or titles preceded by the designations “visiting,” “clinical,” “or other similar designations,” and Qualified Professional Titles are preceded by the designation “special.”—Article II (k) and (p).

Tenure Clock Stop Following Childbirth, Adoption, Foster Care Placement

Upon written request to their campus administration, UUP Academics and Professionals are entitled to stop their “tenure” clock for continuing and permanent appointment following childbirth, adoption, or foster care placement without a change in rank or title as follows:

Academic employees with an academic year obligation for either one or two semesters may request a clock stop commencing either with:

- the full semester during which the child is born, adopted or placed; or,
- the full semester immediately following the child's birth, adoption or placement.

Academic employees on a calendar year obligation may request a clock stop for six months or one year commencing with the date of the child's birth, adoption or placement.

Professional employees may request a clock stop for up to the duration of their family leave following the date of the child's birth, adoption or placement. (NYS/UUP Contract, Appendix A-42)

Employees must complete and submit a **REQUEST TO STOP THE CLOCK TOWARD CONTINUING OR PERMANENT APPOINTMENT** form (available from campus Human Resources offices).

Periods of leave without pay or leave with partial pay trigger an automatic clock stop for the period of the leave without the requirement of a written request from the employee. (See, SUNY Board of Trustees Policies, Article XI, Title B, §3(d)(3) and Article XI, Title C, §4(3)(b))

- Academic employees only need to submit a clock stop request if they are seeking a clock stop for periods that they remain in full-pay status (either because they are continuing to work or because they are charging accruals).
- Professional employees only need to submit a clock stop request if they are seeking a clock stop for periods of leave during which they remain in full pay status.



WORK-LIFE SERVICES: PROGRAMS & BENEFITS FOR NYS EMPLOYEES

New York State and its public employee unions, including UUP, have built a comprehensive network of resources and services to address life issues and the need to balance work and family responsibilities. They cover life planning tools; services to address personal concerns and problems; and pre-tax savings plans for specific needs, such as adoption, child care, elder care, use of public transportation and health care.

They include the following:

- The New York State Employee Assistance Program (EAP);
- The Dependent Care Advantage Account (DCAAccount) for child care, elder care and disabled dependent care. The DCAAccount includes a negotiated employer contribution on a sliding scale;
- The Health Care Spending Account;
- The Adoption Advantage Account;
- Child care centers on many SUNY campuses;
- Wellness programs;
- Pre-retirement planning seminars; and
- NYS-Ride pre-tax transportation program.

For more information about these programs, visit www.goer.ny.gov/work-life-services

The **Employee Assistance Program** provides confidential support, information, problem assessment and referral services for a variety of life needs, including family and marital problems, physical illness, emotional issues, alcohol and other drug problems, stress, financial services, child care and elder care. To find out whether there is an EAP office at your workplace or to obtain information about the nearest regional EAP office, contact your Human Resources Department or visit www.goer.ny.gov/employee-assistance-program

The **Dependent Care Advantage Account** is an employee benefit that allows UUP members to save money on federal, state, and Social Security taxes by paying for child care, elder care, and disabled dependent care with pre-tax dollars. Eligible expenses include those for adult day care, au pairs, baby sitters, before and after school programs, child care centers, family care providers, home aides, housekeepers or cooks who provide custodial care, nursery schools, pre-schools and summer day camps.

In the NYS/UUP contract, UUP negotiated with NYS for an employer contribution that provides DCAAccount users with up to \$800 per year for use toward eligible expenses. The exact amount employees are eligible to receive depends on income level. Families with two spouses who are eligible state employees can get two separate employer contributions.

For information about enrollment procedures and the employer contribution level associated with different salary ranges, visit www.flexspend.ny.gov

The **Adoption Advantage Account** is a pre-tax savings program that can help pay for a qualified adoption. Employees can save on federal and state taxes (where applicable) by having money withheld from their paychecks pre-tax. For more information, go to www.wageworks.com/NYS-adoption-advantage

The **Health Care Spending Account** is a pre-tax program that allows state employees to save on federal, state and Social Security taxes. It covers medically necessary medical, hospital, dental, vision, hearing and prescription drug expenses that are not reimbursed by health insurance or other benefit plans. Visit www.flexspend.ny.gov for more details.

PREGNANCY—Possible Accommodations for Birth and Non-Birth Parents

| UUP Contract Provisions | Academics with Academic Year Appointments | |
|--|--|--|
| | Birth Parents | Non-Birth Parents |
| Leave Donation Exchange Program NYS/UUP Contract, Appendix A-45 | Receive sick days through the donation of vacation days by NYS employees to cover own illness or injury (including pregnancy-related disability). Only those who accrue vacation time are eligible to donate; anyone can receive donated time. | |
| Title F Leave SUNY Board of Trustees Policies, Article XIII, Title F | Additional leave of absence at full salary, reduced salary or without pay may be available at discretion of campus president. | Additional leave of absence at full salary, reduced salary, or without pay may be available at discretion of campus president. |
| Voluntary Reduction in Work Schedule (VRWS) NYS/UUP Contract, Appendix A-46 | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. | Allows employee to “bank” time proportionate to reduction in salary during full-time work to continue pay and retain health insurance coverage for later use during another period. |
| Tenure Clock Stop SUNY Board of Trustees Policies, Article XI, Title B & C | <p>Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit.</p> <p>Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement and/or during period of continued work for one or two semesters without a change in rank or title.</p> | <p>Tenure clock stops automatically during any unpaid leave and/or a partially paid leave under NYS Paid Family Leave benefit.</p> <p>Employee can elect to stop tenure clock during paid leaves for childbirth, adoption, or foster care placement and/or during period of continued work for one or two semesters without a change in rank or title.</p> |
| Campus-Based Options for Flexibility (at discretion of campus president) NYS/UUP Contract, Appendix A-42 | Reduced appointment status ² Flexible scheduling Modified or alternative duties | Reduced appointment status ² Flexible scheduling Modified or alternative duties |
| Dependent Care Advantage Account NYS/UUP Contract, Article 46 | Pre-tax savings program, plus employer contribution of up to \$800 a year, to help with child care costs, | Pre-tax savings program, plus employer contribution of up to \$800 a year, to help with child care costs |

¹ The FMLA provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned for any or all periods of FMLA use.
² Reducing to part-time status from full-time status has an effect on leave accruals, health insurance, time toward tenure, and retirement contributions/credit. You should consult with your UUP chapter officers to consider all implications of this option.

PREGNANCY—Possible Accommodations for Birth and Non-Birth Parents

There are a variety of family leave options available to eligible full-time and part-time employees. The following chart details some of them. You should seek additional information from your UUP chapter officers and/or your campus Human Resources Department.

| UUP Contract Provisions | Academics with Academic Year Appointments | |
|---|--|--|
| | Birth Parents | Non-Birth Parents |
| <p>Fully Paid Leave Provisions¹</p> <p>NYS/UUP Contract, Article 23 and Appendix A-42</p> | <p>May use accrued sick leave for own pregnancy-related disability (generally, 4 weeks before birth; 6 weeks after birth – more if medically necessary).</p> <p>Additional sick leave may be provided at discretion of campus president.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees.</p> <p>Health insurance continues during paid leave time.</p> | <p>May use up to 30 days of accrued sick leave for family members' illness (including birth parent's disability) per contract year.</p> <p>Runs concurrent with FMLA for FMLA-eligible employees. Domestic partners not covered by FMLA.</p> <p>Health insurance continues during paid leave time.</p> |
| <p>Partially Paid Leave</p> <p>NYS Paid Family Leave (NYS PFL) statutory benefit, as negotiated in NYS/UUP Contract, Article 23 and Appendix A-42</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> | <p>2019: Up to 10 weeks of partially paid leave for bonding with a child in first year following birth, adoption, foster care placement at 55% of employee's average weekly wage (AWW), not to exceed 55% of the NYS AWW.</p> <p>2020: Up to 10 weeks at 60% of AWW</p> <p>2021: Up to 12 weeks at 67% of AWW</p> <p>Health insurance continues provided the employee pays employee share of premium.</p> <p>NYS PFL time may be used intermittently in full day increments.</p> <p>Leave accruals may not be used on same day as NYS PFL leave is used.</p> |
| <p>Unpaid Leave</p> <p>Federal Family and Medical Leave Act (FMLA)¹</p> <p>NYS Child Care Leave (NYS/UUP Contract, Article 23.13 and Appendix A-42, Part V)</p> | <p>Up to 12 weeks of unpaid FMLA leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full-day increments.</p> <p>Paid leave options granted by the UUP contract (e.g. sick leave) may be used during FMLA leave.</p> <p>Up to 7 months leave of without pay. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by UUP contract (e.g. sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of leave accruals. Option to continue health insurance during remaining leave by paying employee and employer share of premium.</p> | <p>Up to 12 weeks of unpaid leave with continued health insurance provided the employee pays employee share of premium. If both spouses are eligible NYS employees, a total of 12 weeks of FMLA leave between them can be used in a calendar year.</p> <p>FMLA time may be used intermittently in partial or full-day increments.</p> <p>Paid leave options granted by the UUP contract (e.g. family sick leave) may be used during FMLA leave.</p> <p>Up to 7 months leave without pay. If both parents are NYS employees, 7 months total can be split between them. Paid leave provided by the UUP contract (e.g. family sick leave) may be used during NYS Child Care Leave.</p> <p>Health insurance continues during leave covered by FMLA, NYS PFL and/or use of leave accruals. Option to continue health insurance during remaining leave by paying employee and employer share of premium.</p> |



There are NYS work site child care centers on 17 SUNY campuses. The centers are licensed by NYS and operate on a not-for-profit basis. They receive assistance and services from their host campuses, as well as from the NYS Work-Life Services staff and an advisory board with UUP representation. Centers can receive grants from the board to cover costs associated with health and safety improvements and playground equipment as well as staff training.

The **NYS Work-Life Services** hosts pre-retirement planning seminars at state agencies throughout the year. Contact your Human Resources Department for details. The Work-Life Services website offers pre-retirement self-help guides and online resources at <https://goer.ny.gov/pre-retirement-planning-information>

NYS-Ride is a program that can help state employees save on public transportation expenses through pre-tax payroll deductions. It covers use of trains, subways, buses, van pools and ferries.

For more information, visit www.nysride.com



MEMBERS ONLY BENEFITS and NYSUT SOCIAL SERVICES

UUP offers several members-only benefits through its Member Services Trust Fund (MST). UUP's affiliations with New York State United Teachers, the American Federation of Teachers, and the National Education Association give UUP members access to additional benefits programs and services.

UUP Member Services Trust—Voluntary Programs

Being a member of UUP means you are eligible to choose from a wide array of benefits and services, including the following:

Aflac is supplemental insurance that offers coverage outside medical insurance for accident, cancer, short-term disability, and/or critical illness. Premiums offered through UUP are up to 40% less than market price.

Liberty Mutual offers a 10% discount off auto insurance and 5% off homeowners and rental insurance.

MetLaw (Hyatt Legal Plan) offers two options: A Family Plan; and Parent Plus, which covers parents and in-laws. The plan provides fully covered legal services from attorneys experienced in estate planning, real estate transactions, civil suits, adoption, identity theft, and more.

MetLife Group Universal Life offers one policy with two benefits: A life insurance policy with a savings plan.

Dental/Vision Plans available to retiree members, part-time employees not eligible for benefits, surviving spouses and domestic partners of UUP members, and aged-out dependents up to age 29.

Mid-Island Mortgage Corp. offers two programs: One is custom-designed for doctors and other medical professionals; go to <https://goo.gl/tiUtV1> for a complete list of eligible professions. A second mortgage program is open to all UUP members.

UUP Member Services Trust—Discount Programs

Member discounts are available from Apple, AT&T, BJ's Wholesale Club, Brooklyn Nets, Enterprise Rental Car, Goodyear, hp Academy, Jos. A. Bank, Madison Square Garden (Rangers and Knicks, and the Christmas Spectacular at Radio City Music Hall), Mirabito Fuel, Sprint, The Walking Company (shoes and chapter-based wellness programs), TicketsatWork, and Verizon Wireless.

For more information on members-only benefits, go to <http://uupinfo.org/benefits/index.php>

Affiliate Discount Programs and Services

For more information on NYSUT member benefits, go to www.memberbenefits.nysut.org, call (800) 626-8101 or email benefits@nysutmail.org.

For more information on AFT member benefits, go to <https://www.aft.org/member-benefits> or call (202) 879-4400.

For more information on NEA member benefits, go to <https://www.neamb.com> or call (800) 637-4636.

NYSUT Social Services

NYSUT Social Services offers extensive referral resources by working with agencies and providers in NYS and around the country. NYSUT Social Services can assist UUP members in managing hospitalizations, finding support groups or mental health services, locating services for the disabled, arranging assistance for victims of violence, identifying services for the elderly, providing guidance for elder care, and finding help for marital and relationship problems or child-rearing concerns.

Find out more about NYSUT Social Services at socsvcs@nysutmail.org or call (800) 342-9810 x6206.

for full replacement of teaching or other duties that span a defined period that a leave will disrupt.

Such arrangements are not guaranteed and must be approved by the employer. You should discuss all the options with your supervisor or department chair. UUP chapter officers can provide guidance and suggestions.

Are there any programs or services available to help me find and pay for child care?

There are 17 NYS worksite child care centers on SUNY campuses. To find out if there is one at your workplace, contact your UUP chapter office.

In addition, the Employee Assistance Program at or near your workplace can provide information about other child care options in your area. Visit www.goer.ny.gov/employee-assistance-program to find an EAP coordinator who can assist you.

The Dependent Care Advantage Account is a program that allows you to save money by setting aside up to

\$5,000 in pre-tax dollars for child care, elder care, or disabled dependent care. There is also an employer contribution in the 2016-22 NYS/UUP contract that provides up to \$800 to employees who enroll in the DCAAccount.

For information about eligibility and covered expenses, visit www.flexspend.ny.gov

Are there any programs or services available to help pay for care of elder parents and disabled relatives?

The Dependent Care Advantage Account is a program that allows you to save money by setting aside up to \$5,000 in pre-tax dollars for child care, elder care, or disabled dependent care. There is also an employer contribution in the 2016-22 NYS/UUP contract that provides up to \$800 to employees who enroll in the DCAAccount.

Go to www.flexspend.ny.gov for information about eligibility and covered expenses.

of consecutive service, so they may extend your timeline for sabbatical eligibility.

I’m worried that taking family leave will be held against me. What protections do I have?

The FMLA contains anti-retaliation and anti-discrimination protections. Like the FMLA, the NYS PFL prohibits retaliation against an employee for requesting or for receiving NYS PFL benefits. Additionally, the NYS Taylor Law protects employees who are retaliated or discriminated against for engaging in “protected activity.” One type of protected activity is using the benefits of the collective bargaining agreement. If the campus has taken adverse employment action against you because you used bargaining agreement benefits, such as negotiated leaves, you should contact your UUP chapter officers as soon as possible to review all the circumstances surrounding the issue. Additionally, there may be other protections available to you based on individual circumstances (e.g., pregnancy discrimination). These matters should be addressed as soon as possible with UUP chapter officers for a review of all circumstances.

Must I use all allowable leave time at once, or can it be used intermittently (e.g., taking a family member for week-long treatments periodically throughout the year or taking a family member to a regularly scheduled medical appointment or treatment)?

Leave under FMLA (whether or not paid by using contractual accruals) can be taken intermittently. Options include taking leave in blocks of time, reducing your normal weekly or daily work schedule, or taking intermittent days off over a period of time. Campuses must allow intermittent use, if medically necessary. The NYS PFL benefit is available in full day increments only, but NYS PFL days can be taken on a continuous or intermittent basis. The VRWS program also allows for intermittent use subject to supervisor approval.

What are my options if I use all of my sick or vacation leave accruals for one family care episode and a second family need arises before I can accrue more time for fully paid leave?

An option to get additional leave at full pay to cover the employee’s own disability is to make a request for leave under the Leave Donation Program. (See NYS/UUP Contract, Appendix A-45.)

The NYS PFL benefit provides for partially paid leave, and is an option that is independent of contractual accruals.

Under NYS policy and the NYS/UUP contract, employees can take up to seven months of unpaid child care leave following delivery or adoption.

In addition, employees can ask their campus president for additional sick leave accruals. Contact your UUP chapter officers for guidance in making such requests. This is also a reason to consider using the VRWS program. (See VRWS Details on page 19.)

Can I receive donated leave time from other state employees?

You can receive leave donations from any NYS employee who accrues vacation leave. While all UUP members can receive leave donations, not all UUP members can donate leave to others. Those on calendar-year or college-year appointments accrue vacation days and can donate accrued vacation days to other NYS employees. Those on academic-year appointments do not accrue vacation days and cannot donate leave time to others, though they can receive leave donations from NYS employees who accrue vacation time (NYS/UUP Contract, Appendix A-45, Leave Donation Program).

Contact your UUP chapter office if you would like to request leave donation for your own disability (including pregnancy-related disability) through this program.

What happens if my department/office has no one to cover my job duties during my leave? Whose responsibility is it to ensure work gets done?

Office coverage is a supervisory responsibility and not a reason to deny use of FMLA, sick leave, NYS PFL, or NYS child care leave. It may be a reason to deny use of requested vacation, which is not being used during FMLA, NYS PFL, or NYS child care leave covered time. Consult with your UUP chapter officers if you have been denied leave for family issues.

What happens if my need for time off occurs after the beginning of a semester? Can I take a full semester off instead of having to begin a teaching or other professional obligation that is defined in terms of a semester block of time?

You may request an alternative work assignment to cover a period before or after a leave in order to allow



Part-time Employees and Family Leave

Family leave situations are very context-specific, and what UUP members can and can’t do depends on the full set of facts and circumstances pertaining to their employment. This guide is not intended to address all individual circumstances. UUP members are advised to seek additional information from their chapter officers or campus Human Resources departments.

Potential Limitations on Provisions for Family Leave

The options for part-time employees depend on the terms and conditions of their appointments. Family leave is provided to eligible part-time employees through the same contractual and statutory avenues available to eligible full-time employees.

However, job-protected leaves provided by the federal Family and Medical Leave Act (FMLA), NYS Paid Family Leave (NYS PFL) and/or NYS child care leave (described in this guide) do not extend a part-time appointment beyond its stated expiration (Policies of the Board of Trustees, SUNY, Article XI, Titles D, and F; Article XIV, Title A and B).

The following summary is meant to help part-time employees understand the basic provisions they may access. More details are provided in earlier sections of this guide.

UNPAID LEAVE

Unpaid Leave Possibilities for Birth, Adoption, Foster Care Placement, Sick Relative Care, or Assisting Family Members on Active Military Duty

Members who are eligible for and elect to take leave under FMLA are entitled to up to 12 weeks of unpaid leave per calendar year for: the illness of a family member (including elders); the birth, adoption, or foster care placement of a child; or assisting members deployed abroad for active military duty, or up to 26 weeks to care for a family member who is injured during active military duty.

FMLA eligibility criteria include having worked for the employer for at least 12 months and having worked at least 1,250 hours during the 12 months prior to the start of FMLA leave. Employees who have had a break in service should contact their Human Resources departments to determine if they meet eligibility criteria. Additionally, the NYS/UUP contract allows for up to seven months of unpaid leave for child care purposes following the birth or adoption of a child.

Health insurance (for eligible employees under Article 39 of the NYS/UUP Contract) is continued during FMLA and/or NYS PFL-covered leave if members continue to pay their share of the premium. When employees who are eligible for health insurance are on the payroll, their portion of the health insurance premium is deducted automatically from their paychecks. When they are off the payroll while on FMLA-covered leave, they will be billed directly by the NYS Department of Civil Service for the employee share of premium. If members arrange with their employer to take an unpaid child care leave beyond time covered by FMLA and/or NYS PFL, they can continue health insurance coverage by paying the employee *and* employer shares of premium.

Membership During Unpaid Leaves

UUP members who want to assure continuation of UUP membership rights and benefits during unpaid leaves must make a payment of \$47 for a one-year leave within 60 days after commencement of their leave. An unpaid leave of shorter duration may be prorated. This payment will assure eligibility for UUP membership and UUP benefits, including coverage of the \$6,000 life insurance and \$1,500 accidental death plans. Access to UUP, NYSUT and AFT member-purchased benefits is also included.

Please note that these dues are not payments to continue health insurance, prescription drug plans, or dental/vision care. You may obtain information to continue these benefits from UUP Member Benefits and Services at (800) 887-3863.

To continue your UUP membership, mail a copy of your employer provided unpaid leave approval letter and a check for \$47 for a one-year unpaid leave payable to “UUP Membership Dues” to UUP, P.O. Box 15143, Albany, N.Y. 12212-5143. For more information, contact UUP Member Benefits and Services at (800) 887-3863.

PARTIALLY PAID LEAVE (NYS PFL)

Partially Paid Leave through the NYS Paid Family Leave Benefit (NYS PFL)

UUP’s 2016-22 contract includes a new provision for use of NYS PFL benefit, which allows partially paid leave for up to 10 weeks in 2019 and 2020 (increasing to 12 weeks in 2021) for bonding with a child in the first year following birth, adoption, or foster care placement; caring for a family member with a serious health condition; or assisting family members deployed abroad for military service.

Benefits-eligible employees are entitled to continue health benefits during NYS PFL-covered leave as long as the employee share of premium is paid.

NYS PFL is available to part-time employees who meet NYS PFL eligibility criteria. Note that eligibility for NYS PFL differs from eligibility for FMLA. Part-time employees who are not FMLA eligible may still be NYS PFL eligible. (See page 6 of this guide for additional information on eligibility.)

VRWS Details

Academics and professionals represented by UUP may reduce their work schedules (and salaries) by a minimum of 5 percent, in 5 percent increments, up to a maximum of 30 percent. The employee’s schedule for use of Voluntary Reduction (VR) time earned may be either (1) a fixed schedule (e.g., every Friday, every Wednesday afternoon, an entire month off, etc.), or (2) intermittent time off. The employee never goes off the payroll, thus retaining the benefits of employment. The employee remains in active pay status for the duration of the VRWS agreement and receives pay checks each payroll period at the agreed-upon, temporarily reduced level. The employee will work a prorated share of their normal work schedule over the duration of the agreement period. There is no requirement that existing paid leave credits be exhausted prior to the beginning of the new VRWS agreement. The employee and management may, by agreement, discontinue or modify the VRWS agreement if the employee's needs or circumstances change.

To accommodate an employee whose VRWS agreement calls for an extended absence during the agreement period, management may advance VR credits in an amount not to exceed the time for which the employee is paid in one payroll period. If an employee terminates their employment and has a VR debit, management recovers the debit from the employee's lagged salary payment for their last payroll period at work.

Although VRWS agreements are for stated periods of time, they can be discontinued by mutual agreement at the end of any payroll period. The agreement for VRWS program participation between the employee and management includes a plan for the use of VR time earned. Management must make every effort to ensure that VR time earned by an employee is used: (1) under the terms of the individual VRWS agreement, (2) before the employee separates from State service, and (3) while the employee is on the job they were in when the VRWS Program agreement was made. Employees represented by UUP can obtain eligibility information for this program by contacting the campus Director of Human Resources (NYS/UUP Contract, Appendix A-46).

and your leave is at full pay, the “tenure clock” proceeds as it normally would. If your leave is unpaid or partially paid, or you reduce to part-time status, the “tenure clock” will automatically stop during the leave period. Using the NYS Paid Family Leave benefit (NYS PFL) for partially paid leave automatically stops the tenure clock.

Can I elect to stop the “tenure clock” even if my leave is fully paid?

Under the NYS/UUP contract and SUNY Board of Trustees Policies (Article XI, Title B & C), at the written request of an Academic or Professional, the continuing/permanent appointment (tenure) clock will be stopped following childbirth, adoption, or foster care placement without change in rank or title. This does not require approval from the campus president or anyone else in the supervisory chain. (See Tenure Clock Stop on page 9 for additional details.)

Professionals and academics who remain in full-time status and would like to stop their tenure clock for reasons other than childbirth, adoption, or foster care placement can request to be taken off the tenure clock temporarily and put on qualified professional rank or qualified academic rank per Policies of the Board of Trustees, Article II(o) and (k), respectively. You must initiate the request, and it must be approved by the employer. Any request to have the tenure clock stopped has ramifications and should be carefully considered. You should contact your UUP chapter officers for consultation and advice. If you decide to make such a request, you are advised to have it arranged with a written agreement that specifies the terms of the arrangement, as well as a start date and date of return to your academic or professional rank. Contact your UUP chapter office for assistance.

Does taking family leave affect my eligibility for sabbaticals?

Academics who have continuing appointment (tenure) may be eligible for sabbaticals if they have completed at least six consecutive years of service within SUNY. Periods of sick leave and vacation leave with pay are included in computing consecutive years of service, and will not affect eligibility for sabbaticals. Leaves of absence without pay under the FMLA, NYS unpaid child care leave, or partially paid leave under NYS PFL are not included in computing consecutive years of service toward sabbatical, but are not considered an interruption

FULLY PAID LEAVE

Fully Paid Leave Possibilities for Birth, Adoption, Foster Care Placement, Sick Relative Care, and Assisting Family Members on Active Military Duty

By NYS policy, if employees have appropriate leave credits (e.g., sick leave, vacation leave), they can choose to use leave credits, as appropriate, to continue pay during any part of FMLA and/or NYS child care leave.

Pregnancy/Maternity—Paid Leave Possibilities for Birth Mothers

UUP members, including part-time employees, who give birth can charge available sick leave for the length of their pre-delivery and post-delivery disability. This disability period is presumed to begin four weeks prior to and end six weeks post delivery. Additional sick leave may be charged if medically necessary.

FMLA-eligible employees may use up to 12 weeks of FMLA leave during which health benefits may be continued. Pay can be retained if the member has the appropriate sick leave or vacation accruals. The employment protection provided by the FMLA does not extend a temporary or term appointment beyond its stated expiration (Policies of the Board of Trustees, SUNY, Article XI, Titles D and F; Article XIV, Titles A and B).

Part-time employees without sufficient leave accruals for a needed paid leave can request that the college president grant additional sick leave. UUP chapter officers can help to advise and guide the member.

Part-time employees work in a variety of circumstances and paid and unpaid leave possibilities are context-specific. Members are encouraged to review their specific needs with UUP chapter officers or campus Human Resources departments.

to you based on individual circumstances (e.g., pregnancy discrimination). These matters should be addressed as soon as possible with UUP chapter officers for a review of all circumstances.

Will my health insurance continue while I am out on leave for family care purposes?

Health insurance continues during paid leaves. It also continues during unpaid FMLA leave and during NYS Paid Family Leave (NYS PFL), as long as the employee’s share of the premium is paid. If the employee is using FMLA and/or NYS PFL on an intermittent basis and is still receiving a paycheck, health insurance premiums will be deducted from that paycheck so long as there is enough money in the check to account for the deductions. If the amount of the check is insufficient or if the employee is off the payroll for one or more full pay periods, the employee will be direct billed by the Department of Civil Service for the employee share of premium.

Unpaid NYS child care leave beyond leave time protected by FMLA and/or NYS PFL results in loss of health insurance coverage, unless the employee pays the employee *and* employer shares of premium. NYS’s Voluntary Reduction in Work Schedule (VRWS) program provides an option to maintain health insurance during what would normally be an unpaid leave by deferring some pay during a full-time work period for receipt during a subsequent leave.

Questions about eligibility, duration and cost of continuing health insurance coverage should be addressed to your campus Human Resources Department.

What leave options are available to cover the death of a family member?

Up to 30 days per contract year of accrued sick leave may be used for paid time off for the illness or death of a family member. Bereavement leave can be taken from this 30-day allotment.

Who can I talk to about my family leave needs and options?

You can contact your UUP chapter officers for help and guidance about leave benefits provided by the NYS/UUP contract. Your Human Resources Department should provide you with basic information about additional leave benefits. They should also be able to answer questions about your individual circumstances with

regard to sick and vacation leave. Tentative plans for taking leave should be discussed with department chairs and/or immediate supervisors.

Who approves my request to take leave?

Under most circumstances, taking family leave requires notification of your campus administration. It’s advisable to begin by notifying your department chair or supervisor and to contact the campus Human Resources Department as soon as possible to make sure you file all appropriate forms for FMLA-designated use of sick leave and NYS PFL. At least 30 days advance notice should be provided if the reason for using NYS PFL is foreseeable.

Do I have the option of reducing my work hours temporarily to meet family care needs?

It is possible to temporarily reduce work hours by using the following family leave provisions. Employees may take FMLA-designated leave intermittently—in separate blocks of time for a specific reason, or for a reduced daily or weekly schedule. This applies to *unpaid* FMLA leave, or *fully paid* leave through use of accrued time off that is designated FMLA leave. The NYS PFL benefit that provides *partially paid* leave can be used in full-day increments on either a continuous or intermittent basis. Other ways to reduce work hours temporarily to meet family care needs include use of vacation accruals or compensatory time (for those eligible and with supervisor approval).

In addition, the VRWS program allows employees to voluntarily trade income for time off. The VRWS permits employees to reduce their work schedules to reflect personal needs and interests. The program can assist UUP members with family care events such as birth, adoption, child care, and elder care. The VRWS is provided in Appendix A-46 of the NYS/UUP Contract.

Because reduction from full-time employment status to part-time employment status for any period of time has significant impact on employment benefits (e.g., salary, leave accruals, notice of non-renewal, health insurance, etc.) members are advised to consult with UUP chapter officers prior to requesting such changes in employment status. Entering a VRWS agreement may be a means of avoiding some of these impacts.

What happens to my “tenure clock” (for continuing or permanent appointment) when I take family leave?

If you remain full-time in your tenure-eligible position

Paid Leave Possibilities for Spouses and Domestic Partners of Birth Parents, Adoption, Foster Care Placement, Sick Relative Care, and Assisting Family Members on Active Military Duty

Spouses and domestic partners of birth parents and members facing the need to take time off to care for sick relatives may use up to 30 days of accrued sick leave per contract year. Adoptive and foster parents are entitled to use up to 15 days of accrued sick leave per contract year following adoption or foster care placement (out of the 30 family sick leave allotment). UUPers who are eligible for and have other accrued leave may extend their leave period through use of these accruals upon approval of the employer.

Bereavement Leave

Up to 30 days per contract year of accrued sick leave may be used for paid time off for the illness or death of a family member. Bereavement leave can be taken from this 30-day allotment.

Negotiated Benefits for Child Care, Elder Care and Disabled Dependent Care

Part-time employees can use benefits such as the Dependent Care Advantage Account, the pre-tax savings program for dependent care costs.

Even if a person doesn’t set aside income to pay for dependent care on a pre-tax basis, simply enrolling in the program entitles UUP members to an “employer contribution.” The maximum amount under the NYS/UUP contract is \$800 per year (based on salary). This is a benefit that all part-time and full-time employees can receive. (See page 10 for details.)

All programs and benefits described in the Work-Life Services, and Member Only Benefits and NYSUT Social Services sections of this guide are also available to part-time employees represented by UUP. (See page 12 for details.)

Frequently Asked Questions

This guide addresses general issues that arise for UUP bargaining unit members who contemplate using the variety of family leave options available. It is not intended to address all issues or all individual circumstances. Members are advised to seek additional information from UUP chapter officers or campus Human Resources departments.

Accrual Eligibility

UUP members on an academic-year appointment (most, but not all, academics) accrue sick leave only. UUP members on a college-year or calendar-year appointment (professionals and many academics) accrue sick leave and vacation leave. Some professionals may also accrue holiday leave and/or compensatory time. While references to sick leave apply to all UUP members, references to vacation, holiday leave and compensatory time apply only to those employees who are eligible to receive them. If you have questions, contact your UUP chapter office or Human Resources Department.

What is family leave?

The term “family leave” is used to denote time off from work to care for family members. It covers birth, adoption, foster care placement, and care of sick relatives (including elder care) and assisting family members deployed abroad for military service. Leave available to bargaining unit members comes from a variety of sources including legal statutes, the NYS/UUP contract, UUP’s negotiated participation in the NYS Paid Family Leave statutory benefit, the SUNY Board of Trustees Policies, and other policies which, in certain cases, can be used separately, concurrently, or successively.

Who constitutes “family?”

The federal Family and Medical Leave Act (FMLA) covers the birth, adoption or foster placement of a child, the care of an employee’s spouse, child, or parent with a serious health condition, or who is assisting a spouse, child or parent deployed abroad for military service (NYS/UUP Contract, Appendix A-42, I, II).

NYS Paid Family Leave (NYS PFL) covers biological,

adopted, or foster children; grandchildren; parents; grandparents; spouses; and domestic partners (NYS/UUP Contract, Appendix A-42, VI).

What are my family leave options?

Options UUP-represented employees have for taking family leave are provided through several avenues that can be used singly, concurrently, or successively.

If you are eligible for and elect to take leave under FMLA, you are entitled to up to 12 weeks of unpaid leave per calendar year for, among other reasons, the illness of a family member and the birth, adoption or foster care placement of a child. In the case of birth, adoption, foster care placement and care of sick parents, if spouses are both NYS employees, they are entitled to 12 weeks unpaid total between them. If you have leave credits (e.g., sick leave, vacation leave, compensatory time) and choose to, you may use the leave credits, as appropriate, to retain pay for any part of the FMLA leave. FMLA and use of accruals may be used concurrently.

The UUP contract provides for up to seven months of unpaid leave for child care purposes following the birth or adoption of a child (NYS /UUP Contract, Article 23.13 and Appendix A-42,V).

UUP bargained into New York State’s Paid Family Leave statutory benefit (NYS PFL), which allows partially paid leave for up to 10 weeks in 2019 and 2020 (increasing to 12 weeks in 2021) for bonding with a child in the first year following birth, adoption, or foster care placement; caring for a family member with a serious health condition; or assisting family members deployed abroad for military service. NYS PFL *cannot* be used simultaneously with use of leave accruals, whether or not PFL use is designated as coinciding with FMLA. Contractual accruals and PFL can be used successively to supplement one another.

The Voluntary Reduction in Work Schedule (VRWS) program offers another option.

What is the Voluntary Reduction in Work Schedule (VRWS) program?

The Voluntary Reduction in Work Schedule program in the NYS/UUP Contract, Appendix A-46, can help with planned family care events such as birth, adoption, family members’ surgery, or other planned medical treatments.

Before the event, you can defer pay for a period of time in order to receive the pay during a later period that would ordinarily be an unpaid leave. This spreads out your financial burden and helps you avoid loss of health insurance that occurs for an unpaid leave beyond leave covered by the federal FMLA. You don’t leave the NYS payroll, so your health insurance coverage is not interrupted. The VRWS program can be useful if you want to extend a leave beyond a period of paid time off covered by your sick or vacation leave accruals.

It is not limited to family-care incidents and can be used for other purposes as well. (See VRWS Details on page 19.)

Should I seek to have time off for family care designated as FMLA leave if the employer does not designate it as such?

The FMLA provides you with anti-retaliation, anti-discrimination and right-to-return-to-work protections that might not otherwise be available. You should seek to have your leave designated as FMLA leave through your Human Resources Department if these rights are important to you.

Are part-time employees provided the same options as full-time employees?

Part-time employees who meet FMLA and/or NYS PFL eligibility criteria have the same rights as full-time employees to statutory benefits. Also, part-time employees who accrue leave may also charge leave accruals in the same manner as full-time employees. However, it is important for part-time and full-time employees on temporary or term appointments to note that temporary appointments may be terminated at will at any time, while term appointments have end dates. The job protection provided by the FMLA and/or NYS PFL may not extend beyond the duration of their appointments (see separate section on part-time employees on page 13). (Policies of the Board of Trustees, SUNY, Article XI, Title F; Article XIV, Title A).

Are there leave options for employees with family members on active military duty?

The military caregiver leave provisions of the FMLA provide eligible employees with up to 26 workweeks of FMLA leave per calendar year to care for a spouse, child, or parent who has experienced a “serious illness or

injury” on active military duty. The FMLA also provides up to 12 weeks per calendar year for “qualifying exigencies” arising out of a spouse, child, or parent’s active military duty in a foreign country.

To retain full pay during FMLA leave, 30 days of sick leave may be used per contract year to care for family members with active-duty related illness or injury. Other accruals may also be used to continue pay while charging FMLA. (NYS/UUP Contract, Article 23 and Appendix A-42)

NYS PFL, which provides partially paid leave, also covers an employee’s need to attend to obligations arising because a family member (spouse, domestic partner, child, or parent) is deployed abroad in active military duty or has been notified of an impending military deployment abroad (See NYS PFL on page 6).

If I lack sufficient sick or vacation leave, or compensatory time, do I have options for getting fully or partially paid time off for family care purposes?

If you do not have sufficient accruals for the time off needed for family care purposes, you may ask the campus president to grant additional sick leave or a leave of absence with pay. You should consult with UUP chapter officers for guidance and assistance in making such requests. Use of the NYS Paid Family Leave benefit for partially paid leave is another option (See NYS PFL on page 6).

If I take leave for family care, am I assured that I can return to the same position I left?

If the leave is an FMLA and/or NYS Paid Family Leave benefit (NYS PFL) leave, SUNY is bound by the requirements of the FMLA and/or NYS PFL, to return the employee to the same or an equivalent position after a leave. The FMLA and NYS PFL contain anti-retaliation and anti-discrimination protections.

Additionally, the NYS Taylor Law protects employees who are retaliated or discriminated against for engaging in “protected activity.” One type of protected activity is using the benefits of the collective bargaining agreement. If your administration has taken adverse employment action against you because you used bargaining agreement benefits, such as negotiated leaves, you should contact your UUP chapter officers as soon as possible to review all the circumstances surrounding the issue.

Additionally, there may be other protections available