



United University Professions

The union that makes SUNY work

Phillip H. Smith, President



United University Professions

Family Leave/ Work-Life Services Guide

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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.



The guide covers the following general areas:

- Options for using leave accruals for birth, adoption, foster care, care of sick relatives and domestic partners, elder care, and death of family members
- Possibilities for flexible work arrangements
- Options for addressing the "tenure clock" timeline (continuing and permanent appointments)
- New York State Work-Life Services programs*
- Support services from New York State United Teachers



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 additional information from their UUP chapter offices and/or campus Human Resources departments.

** Work-Life Services are provided through NYS/UUP Joint Labor/Management Committees funding. Information is available at www.worklife.ny.gov*

Summary of Available Programs

Family Leave

Family leave options at State University of New York state-operated institutions can be best described as a “patchwork system.” While there is no standard paid family leave provision that works the same for all UUP members, there are a number of avenues available for paid or unpaid leave for family care purposes. This guide provides information about the family leave options UUP professionals and academics have and the procedures they should follow to clarify and implement them.

Unpaid leave for family care purposes is guaranteed through the federal Family and Medical Leave Act. Employees may have the option of using appropriate leave credits to retain pay during their leave. Accrued sick time is the primary vehicle for paid time off. However, employees who accrue vacation leave may also have it available and may use it with prior approval.

Possibilities also exist for alternative work schedules and use of the Voluntary Reduction in Work Schedule (VRWS) program, with the approval of the campus president or designee.

This guide also provides information to assist UUP members as they confront the challenges family care needs present for balancing work and family life, maintaining secure and supportive work environments, and preparing for “tenure.”

Bereavement and Illness Leave

For the death or illness of a family member, up to 30 days of accrued sick leave may be used for paid time off.

Work-Life Services

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

They include the following:

- campus day care centers;
- a pre-tax program with an employer contribution on a sliding scale to help pay for child care, elder care and disabled relative care (the employee pre-tax contribution opportunity continues; but, the employer contribution ends if the *2007-2011 NYS/UUP Agreement* expires and a successor agreement is not yet ratified by the UUP membership);
- a pre-tax program to help pay for health care;
- a pre-tax program to help pay for public transportation;
- campus-based Employee Assistance Programs that provide confidential help to employees who need assistance with personal problems or concerns;
- wellness programs;
- a resource and referral service (NYS-Balance) that provides online and direct personal consultation an referral; and
- pre-retirement seminars.

Information about each is provided in this guide.

NYSUT Member Benefits and Social Services

UUP is an affiliate of New York State United Teachers. UUP members can access NYSUT supplementary benefits that include financial and legal services, insurance options, discounts, and confidential referral and resource information about a range of social services available to them and their families. Information about how to access NYSUT benefits is provided in this guide.

FAMILY LEAVE OPTIONS

The information listed in this section provides UUP members with avenues for time off and/or possible alteration of work schedules to accommodate family care needs. Use of each option may depend on individual factors, such as accumulated sick leave accruals and operating needs of the campus (department) where the member works. Our purpose is to assure that UUP members know these options exist and to provide them with information to develop a plan to suit their needs in the event of a family care episode such as a birth, adoption, or family member's illness/injury or death, as well as for intermittent or continuous family care demands.

Members should contact their UUP chapter offices and campus Human Resources departments regarding their individual needs and questions and to obtain information about the latest *NYS/UUP Agreement* and legal statutes that may be relevant to their particular situation.

The **Frequently Asked Questions** section of this document provides more information about the following options.

Time Off for Birth, Adoption, Elder Care and Sick Relative Care

Paid Leave: The federal Family and Medical Leave Act (FMLA) provides unpaid leave but, by NYS policy, members may opt to use appropriate leave accruals already earned to retain pay for any or all periods of FMLA use.

Generally, **birth mothers** can use six weeks of sick leave accruals after birth with the possibility of four weeks before birth if medically necessary (Appendix A-42, *2007-2011 Agreement Between NYS and UUP*). A total of 12 weeks of FMLA leave may be used, with the member using additional accruals if appropriate, i.e., vacation leave). **Birth fathers** can use up to 12 weeks of FMLA leave per calendar year if the spouse has a medically necessitated absence, up to 30 days per contract year of which can be paid as sick leave if the member has appropriate accruals (Article 23.4(e)(4), *2007-2011 Agreement Between NYS and UUP*).¹ If both parents are state employees and eligible, a combined 12 weeks of FMLA leave between them can be used in a calendar year.

For **care of sick relatives, including elder care**, UUP members can use up to 12 weeks of FMLA leave per calendar year. Thirty days of sick leave may also be used per contract year if the member has accrued days.

If eligible and prior approval has been obtained, vacation leave can be used.

Health insurance coverage is maintained during paid leave periods because the employee's share of the health insurance premium continues to be deducted from the member's paycheck.

For the death or illness of a family member, up to 30 days per contract year of accrued sick leave may be used for paid time off.

For **adoption**, UUP members are entitled to up to 12 weeks of FMLA leave. If eligible and prior approval has been obtained, vacation leave can be used.

Adoptive parents are entitled to the same sick leave benefit as birth parents.

Unpaid Leave: UUP members who have met the statute's eligibility criteria can take up to 12 weeks of unpaid leave under the federal FMLA. FMLA eligibility criteria include having worked for an 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.

Up to 26 workweeks of unpaid FMLA leave may be available to eligible employees who have a spouse, child, parent or next of kin who is a "covered service-member" [U.S. Armed Services] with a "serious illness or injury." Health insurance can be maintained if the member continues paying the employee share of the health insurance premium. Up to seven months of unpaid leave is allowed under state law, but health insurance will not continue after the 12 weeks protected by the FMLA unless the member elects to continue the coverage under COBRA² eligibility.

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 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.

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

² Questions regarding vision and dental coverage and their cost under the Consolidated Omnibus Budget Reconciliation Act (COBRA) should be addressed to the Health Benefits Administrator on your campus, or to the UUP Benefit Trust Fund at 1-800-887-3863.

Flexible Work Schedules

Options to change work schedules or move from full-time to part-time work in order 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 an affect on leave accruals, health insurance and time credited toward tenure (continuing or permanent appointments). It is strongly recommended that individuals consult with their UUP chapter office before requesting reduction to part-time status from full-time status in order to consider all possible implications. Members considering these options may also contact their campus Human Resources Department² for campus-specific policies on flexible work schedules and options, if any.

Voluntary Reduction in Work Schedule (VRWS)

This program provides a way for UUP members to bank leave credits for use without losing 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

beyond the 12 weeks covered by the Family and Medical Leave Act (FMLA). The member does not leave the NYS payroll and 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.

Options to Stop the "Tenure Clock" for Continuing and Permanent Appointments

Both academics and professionals can request to stop the tenure clock (continuing or permanent appointment) by requesting a qualified academic rank or a qualified professional title³ for a pre-defined period. 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.

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.

² Questions regarding health insurance coverage and the cost under the Consolidated Omnibus Budget Reconciliation Act (COBRA) should be addressed to the Health Benefits Administrator in the campus Human Resources Department or the NYS Department of Civil Service.

³ *Policies of the Board of Trustees*, Article II(k) and (p) respectively. Qualified Academic Rank includes Academic Rank preceded by the designations "visiting," "clinical," "or other similar designations." Article IV, Qualified Professional Titles are preceded by the designation "special."



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 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 (DCAA) for child care, elder care and disabled relative care. *The DCAA includes an employer contribution on a sliding scale. If the 2007-2011 contract expires and a successor agreement is not yet ratified by the UUP membership, the employee pre-tax contribution opportunity continues, but the employer contribution ends.*
- The Health Care Spending Account
- NYS-Balance (resource and referral service)
- Child care centers on SUNY campuses
- Wellness programs
- Pre-retirement planning seminars
- NYS-Ride pre-tax transportation program

For more detailed information about all of these programs, visit NYS Work-Life Services at www.worklife.ny.gov. The website is jointly sponsored by the NYS Family Benefits Program and the NYS Employee Assistance Program.

The Employee Assistance Program (EAP) 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 NYS Work-Life Services at www.worklife.ny.gov.

The Dependent Care Advantage Account (DCAA) 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 pair, 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 *2007-2011 Agreement*, UUP negotiated with NYS for an employer contribution that provides DCAA users with up to \$800 for use toward eligible expenses. The exact amount employees are eligible to receive depends on income level. Since each state employee in an eligible bargaining unit can get the employer contribution, families with two spouses who are eligible state employees can get two separate employer contributions. If the *2007-2011 Agreement* expires and a successor agreement is not yet ratified by the UUP membership, the DCAA employee pre-tax contribution opportunity continues, but the employer contribution ends.

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

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.

NYS-Balance provides personal consultants, online resources, educational materials, and employee-requested research to assist with needs in areas that include parenting, child and elder care, adoption, education, budgeting, helping those with disabilities, home ownership, managing stress, time management, and retirement planning. This service is designed to save employees time and help them better balance work and life.

Visit www.nysbalance.ny.gov for more details.

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 Family Benefits staff and an advisory board with UUP representation. Centers can receive grants from the board to cover costs associated with audits, health and safety improvements, and staff training.

The NYS Family Benefits Program hosts **pre-retirement planning** seminars at state agencies throughout the year. Contact your campus Human Resources Department for information. The Work-Life Services website offers pre-retirement self-help guides and online resources at www.worklife.ny.gov/preretirement.

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, vanpools and ferries. Visit www.nysride.com for more information.



NYSUT MEMBER BENEFITS and NYSUT SOCIAL SERVICES

UUP is an affiliate of New York State United Teachers and members have access to NYSUT member benefit programs and 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.

NYSUT Social Services can be reached at (800) 342-9810 ext. 6206 or at socsvcs@nysutmail.org.

NYSUT also offers benefits that include insurance plans, financial and legal services, and discount programs.

For more information on these programs and services, go to www.memberbenefits.nysut.org or call (800) 626-8101.

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 some academics) accrue sick leave and vacation leave. Thus, while references to sick leave apply to all UUP members, references to vacation and compensatory time apply only to those employees who are eligible to receive them. If you have questions, contact your 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, and care of sick relatives, including elder care. Leave available to bargaining unit members comes from a variety of sources including legal statutes, the *NYS/UUP Agreement* (contract), the SUNY Board of Trustees Policies, and other policies which, in certain cases, can be used separately or concurrently.

Who constitutes “family?” What relatives are covered under family leave policies?

Questions should be addressed to your UUP chapter.

What are my family leave options?

Options UUP members have for taking family leave are provided through a number of avenues that can be used singly or concurrently.

If you are eligible for and elect to take leave under the federal Family and Medical Leave Act (FMLA), you are entitled to up to 12 weeks of leave per calendar year for, among other reasons, the illness of a family member and the birth, adoption or foster care of a child. In the case of birth, adoption, foster care, and care of sick children, if the parents are both NYS employees, they are entitled to 12 weeks total between them.

By NYS policy, if you have appropriate leave credits (e.g., sick leave, vacation leave) and choose to, you may use the leave credits in order to retain pay for any part of the FMLA leave.

Also, NYS Domestic Relations Law allows for up to seven months of unpaid leave for family care purposes.

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 Agreement* (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 the 12 weeks 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.

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 eligibility criteria have the same rights as full-time employees to use the statute’s benefits. Also, for part-time employees who accrue leave, the leave accruals appropriate to the situation may be used in the same manner as full-time employees use them. However, it is important for part-time and full-time employees on temporary appointments to note that temporary appointments may be terminated at will at any time; thus, the job protection aspects of the FMLA may not extend beyond the duration of their appointments (*Policies of the Board of Trustees, SUNY*, Article XI, Title F; Article XIV, Title A).

Are there leave options for employees with family members in the military?

The military caregiver leave provisions of the FMLA provide eligible employees with up to 26 workweeks of FMLA leave in a 12-month period to care for a spouse, child, parent, or next of kin who is a “covered service-member” with a “serious illness or injury.”

The FMLA also provides various leave possibilities for a “*qualifying exigency* arising out of the fact that the employee’s spouse, son, daughter, or parent is on (or has been notified of an impending call to) ‘covered active duty’ in the armed forces.” For further explanation, go to www.dol.gov/whd/fmla/2010ndaa.htm.

If I lack sufficient accruals from sick or vacation leave, or compensatory time, do I have options for getting 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.

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 leave, SUNY is bound by the requirements of the FMLA, which states that an employee must be returned to the same or an equivalent position after a leave. The FMLA also contains anti-retaliatory and anti-discriminatory protections. Additionally, the 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 of 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.

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

Health insurance continues during paid leaves. It also continues for up to 12 weeks of unpaid FMLA leave as long as you pay the employee’s share of the premium. Unpaid leave time beyond 12 weeks results in loss of health insurance coverage, with the eligibility to continue

coverage under COBRA. NYS’s Voluntary Reduction in Work Schedule 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 period.

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

Up to 30 days of sick leave accruals can be used to cover the illness or death of a family member.

What is the cost to continue health insurance through COBRA?

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

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 *UUP/NYS Agreement*. 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. Except for holiday compensatory time, compensatory time accrual and use is maintained solely between employees and their supervisors.

Who approves my request to take leave?

Requests for family leave purposes are made in the same manner as those for other sick, vacation and compensatory time use. Contact your department chair or immediate supervisor to begin the process.

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

Members have options. Vacation accruals may be used by members with the approval of the campus president, or designee. As provided in Appendix A-29 of the *2007-2011 Agreement Between the State of New York and United University Professions*, compensatory time off is a mutual agreement by professional employees and their supervisors, as is its use.

In addition, the Voluntary Reduction in Work Schedule (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, among many other possible needs and interests. The VRWS is provided in Appendix A-46 of the *Agreement*. 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.

VRWS Details

Employees 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 his/her 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 his/her employment and has a VR debit, management recovers the debit from the employee's lagged salary payment for his/her 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 he/she was 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.

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 and your leave is paid, 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.

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

Professionals and academics who remain in full-time status 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, but 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.

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, so leave periods based solely on use of sick and/or vacation accruals will not affect eligibility for sabbaticals. Leaves of absence without pay and periods of part-time service are not included in computing consecutive years of service, but are not considered an interruption 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-retaliatory and anti-discriminatory protections. Additionally, the 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 of 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.

Is there a time frame within which I must use family leave or lose it?

Certain provisions of the various benefits are time sensitive. You should consult with your UUP chapter officers or Human Resources Department about your particular situation as early as possible.

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)?

The FMLA allows for 12 weeks of unpaid leave (or, by state policy, paid leave provided that the employee has the appropriate accruals) to be taken intermittently subject to the employer's approval. 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 have the discretion to allow intermittent use, if medically necessary, of unpaid leave and of paid leave through use of sick leave or vacation accruals. This is also a reason to consider the VRWS program.

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 paid leave?

Aside from the option to take up to seven months of unpaid leave for delivery or adoption under Article 7 of NYS Domestic Relations Law, you can ask your campus president for additional sick leave accruals. You should contact your UUP chapter officers for guidance in making such requests. This is also a reason to consider the VRWS 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 you FMLA or sick leave. It may be a reason to deny use of requested vacation. 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 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 work site 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 and NYS-Balance (NYS employees resource and referral service) can provide information about other child care options in your area. Visit www.worklife.ny.gov to access those services.

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 *2007-2011 NYS/UUP Agreement* that provides up to \$800 to employees who enroll in the DCAA. If the *2007-2011 Agreement* expires and a successor agreement is not yet ratified by the UUP membership, the DCAA employee pre-tax contribution opportunity continues, but the employer contribution ends.

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

Can I receive donated leave time from other state employees?

You can receive sick leave 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 be recipients of leave donations from NYS employees who accrue vacation time (*NYS/UUP Agreement*, Appendix A-45, Leave Donation Program).



Part-time Employees and Family Leave

Family leave situations are very context-specific and what our members can and can't do depends on the full set of facts and circumstances. The purpose of this guide is to address general issues that arise for collective bargaining unit members represented by UUP 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.

Potential Limitations on Provisions for Family Leave

The options for part-time employees depend solely on the terms and conditions of their appointments. Family leave is provided through a number of avenues that can be used singly or concurrently. These are the same avenues full-time members may have. Notably, job-protected leaves provided by the federal Family and Medical Leave Act (FMLA) and NYS Domestic Relations Law (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*). Thus, part-time employees on temporary or term appointments may not be afforded the job-security provisions of these statutes.

Unpaid Leave Possibilities for Birth, Adoption, Foster Care, and Care of Sick Relatives, including Elders

If a member is eligible for and elects to take leave under the federal Family and Medical Leave Act, s/he is entitled to up to 12 weeks of unpaid leave per calendar year for, among other reasons, the illness of a family member (including elders) and the birth, adoption, or

foster care placement of a child. In cases involving care of children, if parents in a family are both NYS employees, they are entitled to 12 weeks total between them.

Additionally, by NYS policy, if employees have appropriate leave credits (e.g., sick leave, vacation leave) they may seek prior approval, as required, to use the leave credits in order to retain pay for any part of FMLA leave. 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 Department to determine if they meet the eligibility criteria.

Additionally, NYS Domestic Relations Law allows for up to seven months of unpaid leave for family care purposes. Health insurance (if eligible under Article 39 of the *UUP/NYS Agreement*) is continued for up to 12 weeks of unpaid FMLA 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 on an unpaid leave under the 12-week window allowed by the FMLA, they will receive notice from the NYS Department of Civil Service indicating the premium share amount they are required to pay to retain health insurance coverage. If members arrange with their employer to take an unpaid leave beyond the 12 weeks covered by FMLA, they will lose health insurance coverage, but are eligible to purchase coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA gives workers and their families who lose health insurance the right to continue the health benefits provided by their group health plan for limited

periods of time, but at full cost.

Questions regarding FMLA and its interface with other leave benefits can be addressed to UUP chapter officers or campus Human Resources departments.

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 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.

Paid Leave Possibilities for BIRTH Fathers, Adoption, Foster Care, and Care of Sick Relatives, including Elders

Birth fathers 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 year¹ within the 12-week period covered by the FMLA. Adoptive parents are entitled to the same sick leave benefit as birth parents.

In cases involving care of children, if parents in a family are both NYS employees, they are entitled to 12 weeks total of FMLA leave between them.

UUPers who are eligible for and have accrued vacation, may extend their leave period through use of these accruals upon approval of the employer.

Pregnancy/Maternity—Paid Leave Possibilities for Birth Mothers

UUP members who give birth, including part-time employees, generally can take up to six weeks of pre-accrued sick leave after the birth, with the possibility of an additional four weeks before the birth,

if medically necessary. A total of 12 weeks of FMLA leave may be used and pay can be retained if the member has the appropriate sick leave or vacation accruals. The employment protection aspects of the FMLA do not serve to 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, Title 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.

Bereavement and Illness Leave

For the death or illness of a family member, up to 30 days of accrued sick leave may be used for paid time off.

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

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

Even if a person doesn't participate in the pre-tax part of the program (where they set aside money to pay for dependent care, which reduces their taxable income), simply enrolling in the program entitles UUP members to an “employer contribution.” The maximum amount under the *2007-2011 Agreement Between NYS and UUP* is \$800 per year (based on salary). This is a benefit that all part-time and full-time employees can receive. It is not prorated for part-timers and it is only based on the employee's salary; Part-time employees often qualify for a maximum amount. If the *2007-2011 Agreement* expires and a successor agreement is not yet ratified by the UUP membership, the DCAA employee pre-tax contribution opportunity continues, but the employer contribution ends.

All programs and benefits described in the Work-Life Services and NYSUT Member Benefits and Services sections of this guide are also available to part-time employees represented by UUP.

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

ADOPTION and FOSTER CARE—Possible Accommodations for Mothers and Fathers

There are a variety of family leave options available. 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 & Calendar Year Academics	Academics with Academic Year Appointments
Paid Leave Provisions ¹	Sick leave ² Runs concurrent with FMLA ³ Accrued vacation or leave Health insurance continues during paid leave time. During unpaid leave time covered by FMLA (up to 12 weeks), continuation of health insurance if the member continues to pay his/her share of the premium	Sick leave ² Runs concurrent with FMLA ³ No vacation accrued Health insurance continues during paid leave time. During unpaid leave time covered by FMLA (up to 12 weeks), continuation of health insurance if the member continues to pay his/her share of the premium
Leave Donation Exchange Program	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time
Title F Leave	Leave of absence at full salary, reduced salary, or without pay, at discretion of campus president	Leave of absence at full salary, reduced salary, or without pay, at discretion of campus president
Voluntary Reduction in Work Schedule (VWRS)	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period
Applicable Policy/Law		
Federal Family and Medical Leave Act (FMLA)	Up to 12 weeks of unpaid leave with continuation of health insurance coverage if the member continues to pay his/her share of the premium. Runs concurrent with use of paid leave options of the UUP contract at the employee’s option. ³ If both parents are NYS employees, a total of 12 weeks between them is available for adoption	Up to 12 weeks of unpaid leave with continuation of health insurance coverage if the member continues to pay his/her share of the premium. Runs concurrent with use of paid leave options of the UUP contract at the employee’s option. ³ If both parents are NYS employees, a total of 12 weeks between them is available for adoption
NYS Domestic Relations Law, Article 7	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks through FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks through FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks
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
SUNY Bd. of Trustees Policies—“Tenure” Clock Cessation ⁴	Option to request temporary cessation of “tenure” clock	Option to request temporary cessation of “tenure” clock
Campus-Based Options for Flexibility (at discretion of campus president)	Reduced appointment status ⁵ . Flexible scheduling. Modified or alternative duties	Reduced appointment status ⁵ . Flexible scheduling. Modified or alternative duties

¹ All references to amounts of paid leave are to maximums provided the employee already has accrued the credits at the time s/he seeks to use such accruals.

² Adoptive parents are entitled to the same sick leave benefit as birth parents.

³ 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.

⁴ Professionals and academics can be taken off the tenure clock and put on qualified professional or academic rank per *Policies of the Board of Trustees*, Article II(o) and (k), respectively, and definitions section.

⁵ Note: 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 CARE (including Elder Care)—Possible Accommodations for UUP Members

There are a variety of family leave options available. 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 & Calendar Year Academics	Academics with Academic Year Appointments
Paid Leave Provisions ¹	Up to 30 days of accrued sick leave; Runs concurrent with FMLA ² Accrued vacation or leave Health insurance continues during paid leave time. During unpaid leave time covered by FMLA (up to 12 weeks), continuation of health insurance if the member continues to pay his/her share of the premium	Up to 30 days of accrued sick leave; Runs concurrent with FMLA ² Vacation not accrued Health insurance continues during paid leave time. During unpaid leave time covered by FMLA (up to 12 weeks), continuation of health insurance if the member continues to pay his/her share of the premium
Leave Donation Exchange Program	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time
Title F Leave	Leave of absence at full salary, reduced salary, or without pay, at discretion of campus president	Leave of absence at full salary, reduced salary, or without pay, at discretion of campus president
Voluntary Reduction in Work Schedule (VWRS)	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period
Applicable Policy/Law		
Federal Family and Medical Leave Act (FMLA)	Up to 12 weeks of unpaid leave ¹ with continuation of health insurance coverage if the member continues to pay his/her share of the premium. Runs concurrent with use of paid leave options of the UUP contract at the employee’s option. If both parents are NYS employees, a total of 12 weeks between them is available for adoption	Up to 12 weeks of unpaid leave ¹ with continuation of health insurance coverage if the member continues to pay his/her share of the premium. Runs concurrent with use of paid leave options of the UUP contract at the employee’s option. If both parents are NYS employees, a total of 12 weeks between them is available for adoption
Military Family Caregiver Leave	Up to 26 workweeks of FMLA leave in a 12-month period to care for a spouse, son, daughter, parent, or next of kin “covered servicemember” with a “serious injury or illness.” Includes veterans who meet coverage criteria ³	Up to 26 workweeks of FMLA leave in a 12-month period to care for a spouse, son, daughter, parent, or next of kin “covered servicemember” with a “serious injury or illness.” Includes veterans who meet coverage criteria ³
NYS Domestic Relations Law, Article 7	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks
Dependent Care Advantage Account	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
SUNY Bd. of Trustees Policies—“Tenure” Clock Cessation ⁴	Option to request temporary cessation of “tenure” clock	Option to request temporary cessation of “tenure” clock
Campus-Based Options for Flexibility (at discretion of campus president)	Reduced appointment status ⁵ . Flexible scheduling. modified or alternative duties	Reduced appointment status ⁵ . Flexible scheduling. modified or alternative duties

¹ All references to amounts of paid leave are to maximums provided the employee already has accrued the credits at the time s/he seeks to use such accruals.

² 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.

³ For information about the specific provisions of the Family and Medical Leave Act’s military family caregiver leave, including definitions of “covered servicemember,” “serious illness or injury,” and criteria for coverage of veterans, go to www.dol.gov/whd/fmla.

⁴ Professionals and academics can be taken off the tenure clock and put on qualified professional or academic rank per *Policies of the Board of Trustees*, Article II(o) and (k), respectively and definitions section.

⁵ Note: 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 Mothers and Fathers/Domestic Partners

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

NOTE: Domestic partners are potentially eligible for the same benefits as spouses under the *Agreement Between NYS and UUP*, as well as under NYS statutes. Domestic partners are not eligible for federal FMLA benefits. The governor specifically has made those same-sex employees legally married in other states/jurisdictions eligible as spouses for NYS benefits.

UUP Contract Provisions	PROFESSIONALS & CALENDAR YEAR ACADEMICS	
	Birth Mothers	Fathers/Domestic Partners
Paid Leave Provisions ¹	<p>Generally 4 weeks before birth; 6 weeks after birth. Must have sick leave accruals to retain pay. Runs concurrent with FMLA</p> <p>Up to 12 weeks under FMLA² if medically necessary. Must have sick leave accruals to retain pay</p> <p>Additional sick leave at discretion of the campus president</p> <p>Accrued vacation or leave</p> <p>Health insurance continues during paid leave</p>	<p>Up to 30 days of accrued sick leave. Runs concurrent with FMLA for spouses of birth mothers. Domestic partners not covered by FMLA</p> <p>Accrued vacation or leave</p> <p>Health insurance continues during paid leave time</p>
Leave Donation Exchange Program	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time
Title F Leave	Leave of absence at full salary or reduced salary at discretion of campus president	Leave of absence at full salary or reduced salary at discretion of campus president
Voluntary Reduction in Work Schedule (VWRS)	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period
Applicable Policy/Law		
SUNY Bd. of Trustees Policies—“Tenure” Clock Cessation ³	Option to request temporary cessation of tenure” clock	Option to request temporary cessation of tenure” clock
Federal Family and Medical Leave Act (FMLA) ²	Up to 12 weeks of unpaid leave with continuation of health insurance coverage provided the employee continues paying his/her share of the premium. Can run concurrent with use of paid leave options granted by the UUP contract. ¹ If both parents are NYS employees and eligible, a combined 12 weeks of FMLA leave between them can be used in a calendar year	Up to 12 weeks of unpaid leave with continuation of health insurance coverage provided the employee continues paying his/her share of the premium. Can run concurrent with use of paid leave options granted by the UUP contract. ¹ If both parents are NYS employees and eligible, a combined 12 weeks of FMLA leave between them can be used in a calendar year
NYS Domestic Relations Law, Article 7	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks
Campus-Based Options for Flexibility (at discretion of campus president)	Reduced appointment status ⁴ . Flexible scheduling. Modified or alternative duties	Reduced appointment status ⁴ . Flexible scheduling. Modified or alternative duties
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

¹ All references to amounts of paid leave are to maximums provided the employee already has accrued the credits at the time s/he seeks to use such accruals.

² 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.

³ Professionals and academics can be taken off the tenure clock and put on qualified professional or academic rank per *Policies of the Board of Trustees*, Article II(o) and (k), respectively, and definitions section.

⁴ Note: 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 Mothers and Fathers/Domestic Partners

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

NOTE: Domestic partners are potentially eligible for the same benefits as spouses under the *Agreement Between NYS and UUP*, as well as under NYS statutes. Domestic partners are not eligible for federal FMLA benefits. The governor specifically has made those same-sex employees legally married in other states/jurisdictions eligible as spouses for NYS benefits.

UUP Contract Provisions	ACADEMICS WITH ACADEMIC YEAR APPOINTMENTS	
	Birth Mothers	Fathers/Domestic Partners
Paid Leave Provisions ¹	<p>Generally 4 weeks before birth; 6 weeks after birth. Must have sick leave accruals to retain pay. Runs concurrent with FMLA</p> <p>Up to 12 weeks under FMLA² if medically necessary. Must have sick leave accruals to retain pay</p> <p>Additional sick leave at discretion of the campus president</p> <p>Vacation not accrued</p> <p>Health insurance continues during paid leave</p>	<p>Up to 30 days of accrued sick leave. Runs concurrent with FMLA for spouses of birth mothers. Domestic partners not covered by FMLA</p> <p>Vacation not accrued</p> <p>Health insurance continues during paid leave time</p>
Leave Donation Exchange Program	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time	Receive sick days through the donation of vacation days by NYS employees. Only those who accrue vacation time are eligible to donate; anyone can receive donated time
Title F Leave	Leave of absence at full salary or reduced salary at discretion of campus president	Leave of absence at full salary or reduced salary at discretion of campus president
Voluntary Reduction in Work Schedule (VWRS)	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period	Allows employee to retain health insurance coverage by “banking” pay during full-time work in order to receive payment during another period
Applicable Policy/Law		
SUNY Bd. of Trustees Policies—“Tenure” Clock Cessation ³	Option to request temporary cessation of tenure” clock	Option to request temporary cessation of tenure” clock
Federal Family and Medical Leave Act (FMLA) ²	Up to 12 weeks of unpaid leave with continuation of health insurance coverage provided the employee continues paying his/her share of the premium. Can run concurrent with use of paid leave options granted by the UUP contract. ¹ If both parents are NYS employees and eligible, a combined 12 weeks of FMLA leave between them can be used in a calendar year	Up to 12 weeks of unpaid leave with continuation of health insurance coverage provided the employee continues paying his/her share of the premium. Can run concurrent with use of paid leave options granted by the UUP contract. ¹ If both parents are NYS employees and eligible, a combined 12 weeks of FMLA leave between them can be used in a calendar year
NYS Domestic Relations Law, Article 7	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks	Up to 7 months leave without pay. If both parents are NYS employees, the 7 months can be split between them. Health insurance continued for 12 weeks covered by FMLA. Option to purchase health insurance coverage through COBRA after 12 weeks
Campus-Based Options for Flexibility (at discretion of campus president)	Reduced appointment status ⁴ . Flexible scheduling. Modified or alternative duties	Reduced appointment status ⁴ . Flexible scheduling. Modified or alternative duties
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

¹ All references to amounts of paid leave are to maximums provided the employee already has accrued the credits at the time s/he seeks to use such accruals.

² 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.

³ Professionals and academics can be taken off the tenure clock and put on qualified professional or academic rank per *Policies of the Board of Trustees*, Article II(o) and (k), respectively, and definitions section.

⁴ Note: 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.

Notes



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