

Leave of Absence - Birth of a Child - Birthing Parent

The Research Foundation supports parents by allowing time away from work for recuperation after childbirth, as well as time to bond with a newborn child.

This is intended to provide general information, for regular and postdoctoral employees, regarding leave and income replacement benefits/options during a leave due to the birth of a child, specific to the birthing parent. Your eligibility will be determined by your campus' Research Foundation HR Office.

Please notify your campus' Research Foundation HR office of your need to take leave as soon as you are able. They will provide you with the documentation required to review and approve your time away from work.

Additional information is outlined in the [Benefits Handbook](#), the [Leave Administration Handbook](#), and the [Your RF Benefits](#) website.

Child Care Leave

Type: Leave of absence

Eligibility: All RF employees.

Duration: Up to six months immediately following the date of delivery.

Income: Unpaid Leave

Leave information: The leave period includes the period of medical disability following childbirth, leave under FMLA, and Paid Family Leave, if applicable.

Accrual Usage/Income Replacement Options:

- PTO sick must be charged during the period of short-term disability following child birth, as outlined in the Short-Term Disability section below.
- PTO parental may only be used during the period of Child Care Leave, as outlined in the PTO Parental section below.
- Other accrued PTO vacation, holiday, and/or personal, may be used at the full FTE, or at a reduced rate.

Benefit Continuation: During any leave period where you earn enough for deductions, your benefits will stay in effect. However, with the exception of Short-Term Disability, if you are on unpaid leave or not generating enough for biweekly premiums, you will need to pay the necessary premiums for that time. Unpaid leave rates vary based on the type of leave you're taking.

Family and Medical Leave Act (FMLA)

Type: Leave of absence.

Eligibility: To be eligible for leave under FMLA, you must:

- have worked for the RF for a total of 12 months.
- have worked at least 1,250 hours over the previous 12 months.

Duration: Up to a total of 12 work weeks within a “rolling” 12-month period.

Income: Unpaid Leave

Leave information: FMLA provides job-protected leave and may be used to recover following the birth of a child and to bond with your child.

Accrual Usage: FMLA will typically run concurrently with income replacement benefits under Short-Term Disability and Paid Family Leave.

Benefit Continuation: The RF will maintain, for up to a maximum of 12 work weeks of family and medical leave any group health insurance coverage that you were provided before the leave on the same terms as if you had continued to work. In some instances, the RF may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave.

Additional information: Please review [Your Employee Rights Under the Family and Medical Leave Act](#), [Family and Medical Leave Act \(FMLA\)](#) webpage, or the Department of Labor’s [Fact Sheet #28: The Family and Medical Leave Act](#).

Short-Term Disability

Type: Income Replacement

Eligibility: There is no waiting period if eligibility was established with a previous employer. If eligibility was not previously established, coverage begins:

- After four consecutive weeks of service for full-time employees
- After 25 regular work days for part-time employees

Income: After a seven-calendar-day waiting period, you may receive 50 percent of your average weekly wage, based on the eight weeks prior to disability, up to the maximum benefit established under the New York State Disability Benefits Law, which is currently \$170 per week. Employees who have enrolled in the [Voluntary Short-Term Disability](#) plan may have a greater benefit if they have met the appropriate eligibility and waiting periods.

Duration: Determined by the Short-Term Disability carrier, based on the duration of the medical disability following childbirth.

Accrual Usage:

- Sick accruals must be charged at your FTE during the approved period of Short-Term disability until the accruals are exhausted.
- PTO Holiday is charged for days when your department is closed in observance of the holiday.
- If your PTO sick accruals are exhausted before the end of the approved disability period, you may use accrued PTO vacation, holiday or personal to supplement disability income from the carrier up to the equivalent of your regular salary.

Benefit Continuation: The Health Care, Dental Care, Vision Care and life insurance benefits in effect when you became disabled will be continued for the period of time you receive income replacement for a total disability through Short-Term Disability Insurance, subject to the terms of those plans.

Additional Information: For more information, please refer to the [NYS Short-Term Disability Benefits Statement of Rights](#) and the [Your RF Benefits – Disability Insurance](#) webpage.

NYS Paid Family Leave (PFL)

Type: Leave of Absence and Income Replacement

Eligibility: To be eligible for NYS Paid Family Leave, you must:

- Work in New York State
- Work 20 or more hours per week for 26 consecutive weeks of employment OR
- Employees who work less than 20 hours per week are eligible after completing 175 days worked.

Leave information: PFL provides job-protected leave and income replacement to bond with your child. If eligible, FMLA is charged concurrently.

Income: 67% of your average weekly wage, not to exceed 67% of the New York State average weekly wage, which is updated annually. Income replacement benefits under PFL are only available for full day absences.

Duration: A maximum of 12 weeks. PFL may be taken continuously, on a reduced schedule, or for pre-planned absences on an intermittent basis. This leave must be used within one year of the date of delivery.

Accrual Usage: During a period of approved PFL, you have options with accruals:

- Supplement the payment from the PFL carrier using PTO vacation, holiday and/or personal at a reduced rate. (Income between accrual usage and carrier payment may not exceed your regular weekly rate.)
- Use vacation, holiday and/or personal accruals at your regular FTE, being paid from the RF, and have a portion of your accruals reimbursed at a percentage, based on the payment from the carrier.
- Do not use accruals and only receive payment directly from the PFL carrier.

Benefit Continuation: During any leave period where you earn enough for deductions, your benefits will stay in effect. If you are on unpaid leave or not generating enough for biweekly premiums, you will need to pay the necessary premiums for that time. Central Office will send a letter to you addressing how you can maintain your benefits should you be unpaid for this leave. PFL rates (active employee rates) apply.

Additional Resources: For more information, please refer to the [Paid Family Leave Statement of Rights](#), [PFL FAQ](#), and the [Your RF Benefits – NYS Paid Family Leave](#) webpage.

PTO Parental

Type: Income replacement through use of accrued Paid Time Off.

Eligibility: Beginning July 1, 2024, salaried regular and postdoctoral employees appointed at a minimum of .5 full time equivalent (FTE) are eligible to accrue and use Parental PTO unless they are:

- Within the first six months of their date of hire. (Eligible employees will be credited with Parental PTO accruals, based on their FTE and rate, from their date of hire, upon completion of six months service.)

Employees must be in a regular or postdoctoral appointment at .5 FTE or higher to use Parental PTO.

Duration: Amount of accrued time up to a maximum of 12 work weeks. Usage must start and end during the period of Child Care Leave (within 6 months of the date of delivery).

May only be used once in a 12-month period, for a qualifying event.

Income: Wages at regular FTE from the RF for up to 12 work weeks of accrued time.

Accrual information: You may only use Parental PTO on a continuous basis, during a period of approved Child Care Leave. This PTO may not be taken intermittently or on a reduced schedule basis. This PTO may not be used during a period of approved Short-Term Disability following childbirth or during Paid Family Leave.

Accrual Usage: Must be charged at your regular FTE. May not be used with any accrued PTO Sick, Vacation, and/or Personal.

PTO Holiday may only be charged with PTO Parental for days when your department is closed in observance of the holiday.

Accrual Usage Summary

The following provides an overview of the accrual information outlined in the sections above.

Please note: During paid leave status, you may earn additional accruals, pro-rated based on FTE, if your FTE is .5 or greater.

| PTO Type | Short-Term Disability | Paid Family Leave | Other Interactions |
|---------------------------|---|--|--|
| Sick | Must be charged at your regular FTE, and only during the period of medical disability following childbirth until exhausted. | May not be used. | May only be charged during a period of disability following child birth. |
| Vacation /Personal | May be used at a reduced rate to supplement payment from carrier. | May be used, as outlined in the Paid Family Leave section above. | May be used, as outlined in the Child Care Leave section above. |
| Holiday* | May be used at a reduced rate to supplement payment from carrier. | May be used, as outlined in the Paid Family Leave section above. | May be used, as outlined in the Child Care Leave section above. |
| Parental | May not be used. | May not be used. | May only be used, as outlined in the PTO Parental section above. |

*If you are in paid leave status, you must charge Holiday when your department is closed in observance of the holiday.

Additional Considerations

Benefits

Birth if a child is a qualifying status change and creates an opportunity for making changes to your benefit plans outside the annual open enrollment period. Please review the [Life Event – Birth/Adoption](#) webpage for information regarding adding your newborn onto your RF Benefit plans.

Lactation Breaks and Accommodations

The RF is dedicated to making its best effort to accommodate requests from nursing employees for break time and a private space, as available, to express breastmilk in the workplace. Please contact your campus HR office as soon as possible to discuss options, should you choose to express breastmilk in the work place.

Additional information is outlined in the [NYS Policy on the Rights of Employees to Express Breast Milk in the Workplace](#) and the RF's [Lactation Break and Accommodation Policy](#).