Guidelines for Granting Childbirth/Child Care Leave for Fulltime Faculty Members

4-4-2005

The College at Brockport, College Senate

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SUNY BROCKPORT
College Senate
State University of New York
College at Brockport
350 New Campus Drive
Brockport, NY 14420-2925
(585) 395-2586 (Fax) 395-2246

TO: Dr. John B. Clark, Interim College President
FROM: The Faculty Senate Meeting on: April 4, 2005
RE: I. Formal Resolution (Act of Determination)
   II. Recommendation (Voting the Fitness of)
   III. Other, For Your Information (Notes, Request, Report, etc.)

SUBJ: Guidelines for Granting Childbirth/Child Care Leave for Full-time Faculty Members

Signed: Dawn M. Jones Date: 4/1/05
(Dr. Dawn M. Jones, 2004-2005 College Senate President)

Please fill out the bottom portion and return document to the College Senate Office.

TO: The College Senate
FROM: Dr. John B. Clark, Interim College President
RE: I. Decision and Action Taken on Formal Resolution (circle)
   a. Accepted. Effective Date: __/__/__
   b. Deferred for discussion with the Faculty Senate on __/__/__
   c. Unacceptable for the reasons contained in the attached explanation
   II. III. Response to Recommendation or Other/FYI
   a. Received and acknowledged 4/14/05
   b. Comment:

DISTRIBUTED BY PRESIDENT'S OFFICE TO: Executive Council
DISTRIBUTED BY PROVOST'S OFFICE TO: Deans Council
DISTRIBUTED ALSO TO: Originator, Academic Advisement, Registrar (as appropriate)
HR/Personnel Resources

Signed: ___________________________ Date: 4/14/05
(Dr. John B. Clark, Interim College President, SUNY College at Brockport)
RESOLUTION PROPOSAL COVER PAGE

DEADLINE FOR SUBMISSIONS: FEBRUARY 23 - Proposals received after the deadline may not be reviewed until next semester.

Submit all proposals to the College Senate President electronically or on a disk with a hard copy.

Please provide cover page information requested.

facprez@brockport.edu, fsenate@brockport.edu

College Senate Office, 426 Allen Building

1. PROPOSAL TITLE:
Please be somewhat descriptive, for example, Graduate Probation/Dismissal Proposal rather than Graduate Proposal.

Guidelines for Granting Child Birth/Child Care Leave for Full-Time Faculty Members

2. BRIEF DESCRIPTION OF PROPOSAL:
Federal, state, and local (SUNY Brockport) regulations guide policy in regard to childbirth and/or childcare leave for Brockport faculty. These are described below.

3. SUBMISSION & REVISION DATES: PLEASE DATE ALL UPDATED DOCUMENTS and resubmit to the Senate Office electronically prior to Senate review and vote at fsenate@brockport.edu.

<table>
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<th>First Submission</th>
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4. SUBMITTED BY: (contact person)

<table>
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<tr>
<th>Name</th>
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5. COMMITTEES TO COPY: (Senate office use only)

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<th>Standing Committee</th>
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<td>Enrollment Planning &amp; Policies</td>
<td>Committee Chair</td>
<td>3/2005</td>
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<td>Faculty &amp; Professional Staff Policies</td>
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<td>Student Policies</td>
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*(ROUTING NUMBER WILL BE A CHRONOLOGICAL NUMBER SEQUENCE FOLLOWED BY COMMITTEE INITIALS)*

Guidelines for Granting Child Birth/Child Care Leave for
Full-Time Faculty Members

*Developed by Deans Council and Human Resources January 2005*
*Approved by Deans Council February 2005*
*Referred to College Senate, UUP and Executive Council for review and comment 3-2-05*

Federal, state, and local (SUNY Brockport) regulations guide policy in regard to childbirth and/or childcare leave for Brockport faculty. These are described below.

**Federal Statute**

The *Federal Family Medical Leave Act* (FMLA) provides a basic (minimum) benefit to "eligible" employees (individuals employed for at least 12 months with at least 1,250 hours of service during this 12-month period) in regard to childbirth and childcare: up to 12 workweeks of unpaid leave during any 12-month period for:

- the birth and care of the newborn child of the employee
- placement with the employee of a son or daughter for adoption or foster care

This entitlement expires at the end of the 12-month period beginning on the date of such birth or placement. Except where it is medically necessary, this leave may not be taken intermittently, or on a reduced leave schedule, unless the employee and the employer of the employee agree otherwise.

FMLA requires the employer to hold the job open for the employee, to continue any employment benefit (e.g., health insurance) accrued prior to the date on which the leave commenced, and to continue compliance with any provisions established through a collective bargaining agreement. However, the employee may elect, or the employer may require the employee, to substitute any accrued personal leave, paid vacation leave, or family leave for any part of the 12-week period.

**Contractual Benefits**

**Sick leave.** New York State regulations provide for a sick leave ("disability period") entitlement of 4 weeks before the birth of a faulty member's child and 6 weeks after. This leave may be a paid through charged sick leave accruals. If the faculty member lacks the necessary accruals, or if documented sick leave is needed beyond the nominal disability period, the faculty member may apply to the College President for additional sick leave with or without pay.

**Childcare.** Requests for leave for the purpose of subsequent childcare (i.e., beyond the nominal "disability period") may be made to the College President as provided under Title F of The Policies of the State University of New York Board of Trustees.

- Such leave is without salary
• If the requested leave period is concurrent with the 12 week FMLA period of leave, the unpaid leave shall be granted with continuing benefits
• If the leave request is approved for a period not concurrent with the 12 week FMLA period of leave, benefits will be discontinued during the period of unpaid leave, but will resume at the termination of the leave

Institutional (SUNY Brockport) Guidelines

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

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