Parental Bonding Leave Policy – New York & District of Columbia

Purpose

New York University (the “University”) is committed to helping employees balance the demands of the workplace with the needs of their family. Subject to the provisions below, the University will provide an employee covered under this policy with paid leave to bond as a parent with his or her newborn child, newly adopted child, new foster care child, or with a child newly placed in his or her legal custody (hereinafter, “parental bonding leave”). This policy applies to covered employees working in New York and the District of Columbia.

Leave Eligibility

Subject to the limitations listed in items (a)-(d) below, this policy covers full-time Administrators and Professionals and Professional Research Staff who have completed at least 12 months of service with the University and who have worked at the University for at least 1,250 compensable hours over the 12 month period immediately preceding commencement of the parental bonding leave (hereinafter, “covered employees”).

- a. The “12 months of service” with the University need not be consecutive months and time previously worked for the University may be used to meet the 12-month requirement. However, the University need not consider any period of previous employment occurring more than seven (7) years before the date of the covered employee’s most recent hire, unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement outlining the University’s intention to rehire the employee after the break in service.

- b. All periods of time worked during the 12-month period preceding commencement of leave count for purposes of meeting the “1,250 compensable hours” requirement. Time taken for holidays, vacation, or leave is not considered work time except that an employee returning from his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence due to or necessitated by USERRA-covered service.

- c. University employees covered under a collective bargaining agreement (“CBA”) are not covered under this policy and should refer to the appropriate CBA for any applicable policies.

- d. Faculty are not covered under this Policy, and should consult with the appropriate chairperson or dean and/or refer to the faculty handbook for any applicable policies.
Definitions

_Adoption._ Adoption means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave.

_Child._ Child means a newborn child, or an individual under the age of 18 who is the newly adopted or foster care child of a parent or who is newly placed in the legal custody of a parent.

_Foster care._ Foster care is 24-hour care for a child in substitution for, and away from, a parent or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

_Parent._ Parent means a biological, adoptive, step or foster parent of a child, or an individual who stands in loco parentis to the child. This policy covers parents in legal same-sex relationships or registered domestic partnerships.

Leave Entitlement

Subject to the following conditions, a covered employee is eligible to take up to six (6) weeks of paid parental bonding leave in a 12 month period to bond as a parent with his or her newborn child, newly adopted child, new foster care child, or with a child newly placed in his or her custody.

- A covered employee must take parental bonding leave within 12 months following the birth of his or her newborn child, or within 12 months of when a child is placed in his or her adoptive care, foster care, or legal custody. In the event that a covered employee has given birth to a newborn child, the six weeks of parental bonding leave will commence no earlier than after the conclusion of any short-term disability leave/benefit provided to the employee for the employee’s own medical recovery following childbirth.

- Parental bonding leave is calculated on a “rolling” twelve (12) month period, measured backward from the date a covered employee first uses the leave. That is, when a covered employee takes parental bonding leave, the remaining leave available is the balance of the 6 weeks not used during the immediately preceding 12 months. Note that the “rolling” 12-month period continues to run whether or not the covered employee is working.

- A covered employee may only take one (1) 6-week parental bonding leave in a 12 month period and the employee forfeits any leave not used in that period. In no case will a covered employee receive more than 6 weeks of parental bonding leave in a rolling 12 month period, regardless of whether more than one birth, adoption or foster care placement occurs within that timeframe.
Where the covered employees are both parents of the same child, the maximum bonding leave benefit for both parents is a combined six (6) weeks in a 12 month period.

The six (6) weeks of parental bonding leave is inclusive of any holidays or university closures. Thus, if a holiday or closure falls within a covered employee’s bonding leave period, the day(s) will count as bonding leave.

Bonding leave must be taken on a continuous basis and cannot be taken intermittently or on a reduced schedule.

Payment/Benefits
Each week of parental bonding leave is compensated at 100 percent of the employee’s regular, straight-time weekly pay. The University will maintain all benefits for the covered employee during the paid bonding leave period on the same basis as coverage would have been provided had the employee been working during that time.

Upon termination of the covered employee’s employment, he or she will not be paid for any unused parental bonding leave.

Bonding Leave and FMLA
Parental bonding leave taken pursuant to this policy runs concurrently with leave taken under the federal Family and Medical Leave Act (“FMLA”) and the District of Columbia Family and Medical Leave Act (“D.C. FMLA”), as applicable. Accordingly, an employee applying for parental bonding leave under this policy must complete the University’s bonding leave application and, at the same time, follow the process for requesting FMLA and D.C. FMLA under University policy, as applicable.

Notice
A covered employee must provide the University with at least 30 days’ notice in advance of taking parental bonding leave, where practicable.

Confirmation
The University requires that a covered employee provide reasonable documentation to confirm the basis for parental bonding leave. Such documentation may include, but is not limited to, a child’s birth certificate, hospital discharge papers (pending availability of a child’s birth certificate), certificate of adoption or foster care placement, order of custody, marriage license or proof of registered domestic partnership, and/or other appropriate documents, as applicable.