

# New York University

## UNIVERSITY POLICIES

**Title:** Parental Bonding Leave Policy & Procedure – New York, District of Columbia, & California  
**Effective Date:** June 26, 2020  
**Supersedes:** March 8, 2019  
**Issuing Authority:** Executive Vice President  
**Responsible Officer:** Human Resources

### **Statement of Policy**

New York University is committed to helping employees balance the demands of the workplace with the needs of their family. In accordance with the terms and conditions of this Policy, New York University in New York, Washington, D.C., and California<sup>1</sup> (collectively, “NYU” or “the University”) will provide an eligible employee 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”).

### **To Whom the Policy Applies**

#### ***Coverage***

This policy *covers* full-time Administrators and Professionals; full-time Professional Research Staff; and active full-time faculty whose titles fall in the category of Other Faculty as described in the Faculty Handbook, [Faculty Titles](#) (hereinafter, “Active Full-Time Other Faculty”).

Regarding NYU-NY, this policy does *not* cover employees covered under a collective bargaining agreement (“CBA”), *unless* the CBA expressly states that the policy applies. In such cases, should the policy conflict with any provisions of the CBA, the CBA shall prevail. Bargaining unit employees should refer to the appropriate CBA for any applicable provisions.

This policy does *not* cover Tenured/Tenure Track Faculty, Full-Time Continuing Contract Faculty, or Adjunct/Part-Time Faculty; such faculty should consult with the appropriate chairperson or dean and refer to the Faculty Handbook for any applicable policies.

#### ***Leave Eligibility***

Subject to the conditions listed in items (a)-(c) below, to be eligible for paid parental bonding leave, an employee covered under this Policy must: (I) have completed at least 12 months of service with the University and 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; or (II) (1) have completed at least 12 months of service with the University and have worked at the University for at least 1,250 compensable hours over the 12 month period immediately preceding commencement of leave taken under the Family and Medical Leave

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<sup>1</sup> This policy applies to all eligible employees of NYU in California, except for those employees working in San Francisco, who are covered by a separate policy for San Francisco.

Act (“FMLA”) or other legally job-protected leave, *and* (2) the parental bonding leave will run concurrently with or continuously from the leave taken under the FMLA or other legally job-protected leave (hereinafter, “eligible 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 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. Active Full-Time Other Faculty who have completed one (1) academic year of their appointment, including a consecutive fall and spring semester, will be deemed to have satisfied the eligibility requirements set forth above.

## **Policy and Procedures**

### ***Leave Entitlement***

Subject to the following conditions, an eligible employee may take up to six (6) weeks of paid parental bonding leave in a 12 month period, at 100 percent of the employee’s regular, straight-time weekly pay, 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.

- ***Time Frame.*** An eligible 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 an eligible employee has given birth to a new born child, the six weeks of parental bonding leave will commence no earlier than after the conclusion of any paid sick leave or statutory short-term disability 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 an eligible employee first uses the leave. That is, when an eligible 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 eligible employee is working.

- ***Maximum Benefit.*** An eligible 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 an eligible 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 time frame. Where the eligible 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.

- ***Continuous leave.*** Bonding leave must be taken on a continuous basis and cannot be taken intermittently or on a reduced schedule.
- ***Separation from Employment.*** An employee will not be paid for any unused parental bonding leave upon the termination of the employee's employment.

### ***The Process for Requesting Parental Bonding Leave***

1. To request parental bonding leave, an eligible employee must submit the Parental Bonding Leave Application, available [here](#), to the applicable HR Officer/Business Partner or Faculty Affairs Officer, as appropriate, at least 30 days in advance of taking such leave, where practicable.
2. The University may require that an eligible 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.

### ***Maintenance of Benefits***

The University will maintain all benefits for the eligible 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. The employee must continue to make any normal contributions to the cost of such benefits.

### ***Other University Leaves***

#### ***Paid Sick Leave/Statutory Short-Term Disability Benefits (As Applicable)***

As noted above, parental bonding leave will commence no earlier than after the conclusion of any paid sick leave or statutory short-term disability benefit provided to the eligible employee for the employee's own medical recovery following childbirth.

***CAPDL.*** Regarding NYU in California, parental bonding leave also will commence no earlier than after the conclusion of any pregnancy disability leave (CAPDL) provided to the eligible employee for the employee's own medical recovery following childbirth.

#### ***Family Leave Laws (As Applicable)***

***FMLA.*** Parental bonding leave shall run concurrently with FMLA leave and any state equivalent, including D.C. FMLA leave and CFRA leave, as applicable.

***NYPFL.*** Regarding NYU in New York, parental bonding leave shall run concurrently with New York Paid Family Leave (NYPFL) when NYPFL is running concurrently with FMLA, in accordance with the University's FMLA Policy and Procedure. In all other instances, where an eligible employee has parental bonding leave available at the time of use of available NYPFL, the employee may choose whether to charge

NYPFL to parental bonding leave. \*Note: Where parental bonding leave runs concurrently with NYPFL, the employee will be paid his or her full salary and not the benefit rate under the NYPFL.

**DCPFL.** Regarding NYU in Washington, D.C., to receive parental bonding leave, eligible employees must also apply for District of Columbia Paid Family Leave (“DCPFL”) benefits through the D.C. Department of Employment Services (DOES). If DOES approves the employee’s application for DCPFL benefits, the employee must promptly provide the University with a copy of the benefit amount notification provided to the employee by DOES. Parental bonding leave pay will be integrated with any DCPFL benefits that the employee receives, so that the employee’s parental bonding leave pay will be offset by any DCPFL benefits the employee receives. At no point while on parental bonding leave shall the employee receive more than one hundred percent (100%) of their regular pay.

**CAPFL.** Regarding NYU in California, to receive parental bonding leave, eligible employees must also apply for California Paid Family Leave (“CAPFL”) benefits through the California Employment Development Department. Parental bonding leave pay will be integrated with any CAPFL benefits that the employee receives, so that the employee does not receive more than one hundred percent (100%) of their regular pay during any period of parental bonding leave.

### **Scheduled Holidays or University Closures**

If a scheduled holiday or closure falls within an eligible employee’s parental bonding leave period, the day(s) will count as a holiday or closure (and not as bonding leave).

## **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.