


By E-Mail

**MEMORANDUM**

TO: The Presidents of the Colleges  
The Deans of the University-wide and Professional Schools

FROM: Esdras Tulier 

DATE: September 3, 2014

SUBJECT: Paid Parental Leave Policy

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Last year, there were a number of questions raised concerning the proper interpretation of the rules governing Paid Parental Leave, particularly with regard to the notice that the employee must provide when requesting the leave and the timing of a request to have the Paid Parental Leave bridge service before and after the leave, rather than the default position of having the leave count as service towards tenure, a Certificate of Continuous Employment (CCE), or a Certificate of Continual Administrative Service (13.3.b). Therefore, as we begin a new academic year, I write to remind you regarding the rules and procedures applicable to Paid Parental Leave (PPL). This memo is largely a restatement of the rules contained in the letter agreement between the PSC and the University, dated March 19, 2009, and the codicil, dated December 8, 2011, both of which are attached.

**Definition:** Paid Parental Leave is a benefit providing a continuous leave of absence to care for a newborn child, or for a newly adopted child, adopted at up to five (5) years of age, for a period not to exceed eight (8) weeks. While on Paid Parental Leave, the eligible employee remains in full pay status, with all applicable benefits.

**Eligibility:**

- Full-time non-teaching instructional staff with a minimum of one-year service with CUNY are eligible for Paid Parental Leave.
- Teaching faculty who have completed two continuous semesters of teaching (either fall/spring or spring/fall) are eligible for Paid Parental Leave.
- Instructional staff who are excluded from representation in collective bargaining are eligible for this benefit.
- Substitutes who do not have an underlying regular annual appointment are not eligible for Paid Parental Leave.

**Period of Leave:**

Paid Parental Leave is a benefit providing up to eight consecutive weeks of leave. The leave must be taken immediately upon the birth or adoption<sup>1</sup> of the child, except as noted below:

- a. For the birth mother, Paid Parental Leave commences immediately upon the expiration of approved use of temporary disability leave related to childbirth. Paid Parental Leave may be taken before the birth when it is deemed medically necessary for the birth mother and she does not have sufficient temporary disability leave to cover that period.
- b. For an adoptive parent, Paid Parental Leave may be taken before the adoption when it is necessary to fulfill the legal requirements for the adoption (for example, foreign travel).
- c. For eligible couples who work in the same department at the same college, Paid Parental Leave may not be taken concurrently (or concurrently with the birth mother's period of disability leave, if any). In this case, the leave must be taken consecutively. The couple is eligible for a combined total of 14 weeks, rather than 16 weeks over the two consecutive leaves. The maximum number of weeks for either of the leaves is eight weeks. The couple may appeal to the President for permission to take the leaves concurrently. The President's decision is final.

**Special Rules for Teaching Faculty**

A teaching faculty member whose Paid Parental Leave begins between December 15 and the start of the spring semester and will continue into the spring semester may request a one-course reduction in teaching load in the spring semester in lieu of the taking the balance of the Paid Parental Leave in the Spring semester. The request for the one-course reduction is made to the Department Chair, who will review the request with the President. The President's decision is final.

If a teaching faculty member's Paid Parental Leave begins during the Spring semester, he/she will make every effort to limit the use of the Paid Parental Leave to one semester. On rare occasions, because of the start date of the Paid Parental Leave, the faculty member may not be able to use the full eight weeks of leave before the start of the annual leave period provided in Article 14.1 of the PSC/CUNY collective bargaining agreement. In such circumstances, the faculty member would be entitled to use the remainder of the eight weeks of Paid Parental Leave in the subsequent Fall semester. However, the PSC and the University stipulated in the agreement their intent that these provisions would not result in a faculty member being on leave from teaching responsibilities for two semesters.

A teaching faculty member who becomes eligible for Paid Parental Leave during the annual leave period provided in Article 14.1 of the PSC/CUNY collective bargaining agreement, will have the leave effective the first day of the fall semester (that is, the day after the end of

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<sup>1</sup> Adoption shall be understood to mean the formal placement of a child with the employee for adoption.



the annual leave period) or, for the birth mother, at the end of the period of approved temporary disability leave related to childbirth, to the extent applicable.

A teaching faculty member whose paid parental leave expires mid-semester may return either to teaching or administrative duties for the balance of the semester, at the discretion of, and as assigned by, the Department Chair after consultation with the employee. In the alternative, the employee, if eligible, may request an unpaid Special Leave for Child Care pursuant to Article 16.8 of the PSC/CUNY collective bargaining agreement.

The Department Chair and the teaching faculty member must make every effort to resolve scheduling issues in a way that ensures teaching continuity and minimizes the disruptive effect that the leave has on the teaching responsibilities of the Department, while respecting the teaching faculty member's Paid Parental Leave entitlement. If the teaching faculty member and the Department Chair cannot resolve the scheduling issues, they should seek the guidance of the President. If, after consultation with the President, the scheduling issues remain unresolved, the matter should be referred to the Vice Chancellor for Labor Relations for final determination, after consultation with the College President and the President of the Professional Staff Congress/CUNY.

### **Procedural Matters**

The employee must give notice to the Department Chair or unit head and to the Director of Human Resources by filing an application at least 90 days before the expected due date of the birth of the baby or the expected placement of the child with his/her adoptive parents. If the adoption placement date is not known 90 days in advance, the application must be filed as soon as the placement date is known. Notice is provided by the employee's submission of a completed application form (available at <http://www.cuny.edu/about/administration/offices/lr/resources/PaidParentalLeaveApplication-Fillable.pdf>) to the Director of Human Resources after obtaining the signature of the Department Chair or his/her unit head.

Regardless of the number of children involved in the birth or adoption, only one Paid Parental Leave is available per birth or adoption event. Similarly, the number of children involved in the birth or adoption does not change the length of the leave.

Paid Parental Leave runs concurrently with Family Medical Leave Act ("FMLA") leave, to the extent that FMLA leave is available to the employee.

Paid Parental Leave includes Saturdays, Sundays, holidays and, for teaching faculty, intersession periods, that occur during the Paid Parental Leave; that is, those days are counted as part of the Paid Parental Leave and do not extend the leave. The annual leave period provided to teaching faculty by Article 14.1 of the PSC/CUNY collective bargaining agreement, however, does not count as part of Paid Parental Leave.

Employees whose employment ends during the period of Paid Parental Leave by reason of non-reappointment are not entitled to payment for any unused portion of the leave beyond the end date of the appointment.

**Option to Have PPL Bridge Service Towards Tenure, a Certificate of Continuous Employment, or a Certificate of Continual Administrative Service**

The period of time spent on Paid Parental Leave counts as service towards tenure (for untenured faculty in tenure-bearing titles), a Certificate of Continuous Employment (for Lecturers), or a Certificate of Continual Administrative Service (that is, a “13.3.b.”) appointment, for employees in the Higher Education Officer series. An employee may elect to have the Paid Parental Leave serve to bridge service before and after the leave, rather than count as service, in the same way as the Special Leave for Child Care is handled pursuant to Article 16.9 of the PSC/CUNY collective bargaining agreement, provided that the following conditions are met:

- a. The employee taking Paid Parental Leave is an untenured faculty member in a tenure-bearing title, or an employee in a Higher Education Officer series title in his/her first six years of employment in the title at the time the Paid Parental Leave is taken, or is a Lecturer or Instructor, or an untenured employee in the College Laboratory Technician series in his/her first four years of employment in the title at the time the Paid Parental Leave is taken.
- b. The election to have the Paid Parental Leave bridge service may not be made until the birth or the adoption occurs.
- c. An eligible employee choosing to exercise the option to have the Paid Parental Leave bridge service must notify his/her Department Chair or unit head and the Director of Human Resources, in writing, within 90 days of the birth or adoption. No election may be made after the expiration of the 90-day period, and once made, the election is irrevocable.
- d. For untenured assistant, associate and full professors, lecturers, and employees in the College Laboratory Technician series, the election option is not available on or after the June 1<sup>st</sup> of the year preceding the academic year (September 1 - August 31) during which the tenure/CCE decision must be made (the “decision year”); his/her Paid Parental Leave must count as service.
- e. For employees in the Higher Education Officer series, the election option is not available on or after the June 1<sup>st</sup> of the year preceding the fiscal year (July 1 – June 30) during which the 13.3.b decision must be made (the “decision year”). An employee who becomes eligible for a Paid Parental Leave on or after the June 1 preceding the “decision year” will not be eligible for the election; his/her Paid Parental Leave must count as service.
- f. An eligible Instructor who takes a Paid Parental Leave during his/her first four years of service may elect to have the period of Paid Parental Leave act as a bridge for service before and after the leave for the purposes of determining the five years of service allowable in the title. The election option is no longer available on or after the June 1 of the fourth year of Instructor service; his/her Paid Parental Leave must count as service.

The college must make every effort to resolve issues related to Paid Parental Leave. Chairpersons should be advised to consult with the President, the Labor Designee and the HR Office for matters relating to a request for a reduced teaching load in lieu of PPL, and teaching and/or administrative work assignments for faculty who return from PPL mid-semester.<sup>2</sup>

Matters that cannot be resolved on campus or issues which are not anticipated under these guidelines should be referred to the Office of Labor Relations.

Thank you for your cooperation. If you have any questions, please call me at 646.664.3291.

#### Attachments

c: Chief Academic Officers  
Chief Administrative Officers  
Labor Designees  
Directors of Human Resources  
Payroll Officers  
Vice Chancellor Gloriana B. Waters  
Vice Chancellor Pamela Silverblatt  
Mr. Raymond F. O'Brien  
Mr. Leslie Williams  
Ms. Sahana Gupta  
Ms. Ethelyn Clark  
Ms. Evelyn Rosario  
Ms. Shakira Smith  
Ms. Deborah Bell  
Ms. Hourig Messerlian  
Mr. Jerry Rothman  
Ms. Laura Blank

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<sup>2</sup> In some cases, such as a request for a reduced teaching load in lieu of PPL, the College must consult with the Office of Labor Relations to receive its approval of the proposal and to enable OLR to draft a settlement agreement.