

CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT

Pregnancy Disability Leave (Maternity Leave)

So You're Going To Have A Baby

What a wonderful experience is ahead for you! The information provided in this packet will help to clarify some of the questions you will face in the near future regarding your Maternity Leave, sometimes referred to as Pregnancy Disability Leave. Please read through this packet carefully before contacting the Personnel Department.

The provisions for a Maternity Leave are found in the COUTA contract in Article 11.3 and under Sick Leave in the CSEA contract Article 18.3. In all cases, Maternity Leave runs concurrently with provisions of the federal Family and Medical Leave Act (FMLA) and the California Pregnancy Disability Leave law. These two s leave acts provides for unpaid leave for health or maternity reasons. To provide pay during this type of leave, the employee may use her sick leave and/or sub-differential sick leave. Provisions for this leave include:

- Health benefits continue under the same terms and conditions as prior to the leave
- Employees are entitled to use accumulated sick leave as set forth in the contract
- This leave is for temporary disabilities caused or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom
- Such leave shall not be used for childcare, childrearing or preparation for child-bearing

Normally, Pregnancy Disability Leave is granted for six (6) weeks for a normal delivery and eight (8) weeks for caesarian section delivery.

How do I begin the process?

Included in the packet are two forms, **Form A** and **Form B**, to be completed by you and your attending physician. To begin the request for a Maternity - Pregnancy Disability Leave, complete your section of **Form A**, then submit the form to your physician to complete, verifying that you are medically unable to perform service for a designated period of time due to anticipated childbirth. Any medical complications that arise outside of the anticipated Pregnancy Disability Leave will require an additional note from your physician. When completed, send **Form A** to the Personnel Department **at least** fifteen (15) days in advance of the date your leave will begin. If you are a certificated employee, please contact the Personnel Department at (559) 528-4763 to begin securing your long-term substitute if needed.

How will I be paid?

As stated in your contract, unit members are entitled to use accumulated sick leave while on Maternity - Pregnancy Disability Leave. First you will utilize your current-year and accumulated sick leave for that period of your absence that is due to disability related to pregnancy or childbirth. You will be paid at 100% of your normal daily rate as long as you are using your sick days. Once you have exhausted your accumulated sick days, you will be placed on sub-differential pay. For classified employees, your differential pay is your normal pay less the cost of the substitute. These leaves will run for up to a total

of five (5) months or about 100 days and can only be used while you are disabled. For certificated employees, sub-differential pay is your daily rate minus the cost of a substitute (even if one is not obtained or needed) for up to five (5) months. Differential pay for certificated employees will begin after all accumulated sick leave has been used. You will remain in paid status as long as you are using sick leave/differential pay.

Certificated: Should you go into unpaid leave you should note that your STRS service year credit could be reduced and/or if you teach less than 75% of the school year you could lose your COJUSD step advancement for the following year.

Classified: No Child Care leave will be granted. CalPERS service credit may be reduced while on differential pay.

What rights do I have under the Pregnancy Disability Leave Act, the Family and Medical Leave Act of 1993 and the California Family Rights Act?

The Maternity - Pregnancy Disability Leave (PDL) is a doctor certified leave of absence due to a medical disability caused by pregnancy, childbirth or related medical conditions. It entitles you to take a leave of absence for up to four (4) months depending on your period of actual disability. If eligible, this leave will run concurrently with a Family and Medical Leave (see FMLA information below).

The Family and Medical Leave Act of 1993 (FMLA) is a leave of absence of no more than twelve (12) work weeks granted to **eligible** employees who meet certain criteria. It may run concurrently with the Maternity - Pregnancy Disability Leave for the birth of a child, placement with the employee of a child for adoption or foster care or for a serious health condition of a child. This leave may also be used for bonding time with your newborn. The following criteria must be met in order to take a leave of absence due to pregnancy disability under the Family and Medical Leave Act:

- An employee must have been employed with COJUSD for at least 12 months and,
- Employed for at least 1,250 hours during the 12-month period preceding the date of leave.

While on FMLA, the District will maintain all district-paid health and welfare benefits. An employee is entitled to return to the same position that the employee held before the leave **or** to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

The California Family Rights Act (CFRA) is the state version of the Family and Medical Leave Act of 1993, except that it cannot be used for pregnancy disability. Employees may request a CFRA leave after the Pregnancy Disability Leave has ended, for purposes of bonding time with their child. The CFRA, in this case, entitles eligible employees up to twelve (12) work weeks of unpaid leave and must be taken within the first year of the birth of the child. The same eligibility criteria apply to CFRA as for FMLA. FMLA may run concurrently with CFRA for child bonding.

So...What are my options after the baby is born?

Once your doctor has completed and returned **Form B** releasing you back to work, your medical disability leave with the District ceases. You then have the options listed below to consider.

1. You may return to work, or you may request a Family Medical Leave/California Family Rights Act Leave for "child bonding" for up to twelve (12) weeks, if you qualify.

2. If you choose to take an FMLA/CFRA leave, this leave will be an **unpaid** leave of absence and must be taken within the first year of the birth of your child. In accordance with the Family and Medical Leave Act and the California Family Rights Act, the District will continue to cover existing district-paid health and welfare benefits for up to twelve weeks less any of this leave that you may have already used. Please be advised that if you fail to return to active status from an FMLA/CFRA leave, the District may charge you for the premium costs for maintaining your health and welfare benefits while on leave as stated in Section 102 of the Federal Family and Medical Leave Act of 1993.

3. Your third option as a certificated employee is to request a “Child Care” leave of absence. A “Child Care” leave is an **unpaid** personal leave of absence with **no** district-paid health and welfare benefits (see below for purchase of benefits). This leave may be requested for the remainder of the school year to stay home with your child. All options listed above require a letter from you sent to the Personnel Department requesting the leave of absence at least four (4) weeks in advance of the requested starting date. **IMPORTANT:** Any type of **certificated unpaid** leave can result in loss of STRS retirement service credit and District seniority which could result in a loss of a step move for the following year. Please contact the Personnel Department for further information.

What about benefits?

If you are currently receiving district-paid health and welfare benefits, your benefits will continue as long as you are in paid status. When you begin your child bonding leave under FMLA/CFRA, you will be in an unpaid status, but the District will cover your district-paid health and welfare benefits during the duration of the FMLA/CFRA leave up to a total of 12 weeks. If you request an unpaid personal leave of absence or “Child Care” leave of absence, the District ceases to pay for your health and welfare benefits until you return to active service. Please contact the Personnel Department for details regarding health and welfare coverage while on leave. **Be sure to add your new child to your health insurance coverage. This must be done within 31 days of the birth of your child.**

When you are ready to return.....

It will be necessary to have a release from your doctor in order to return to work. Have your attending physician fill out **Form B** in this packet before you return and send this form to the Personnel Department. **You must notify the Personnel Department within the first week of your baby’s birth, the exact date of your baby’s birth and if the delivery was normal or C-Section. This date will normally determine the ending date for your Pregnancy Disability Leave coverage.**

For further questions regarding your leave, please do not hesitate to contact the Personnel Department at (559)528-4763.

Congratulations again and best of luck to you and your new baby!