

Frequently Asked Questions Regarding Pregnancy Leave Provisions For Certificated Employees

The purpose of this document is to answer the most frequently asked questions relating to leave for pregnancy disability and childbearing matters. While great care has been taken in preparing this document, nothing stated here shall supersede or prevail over what is written in Section 19.2 of the Agreement between the Mill Valley Teachers' Association and the District. Certificated employees are encouraged to use this document in conjunction with a careful reading of the Agreement. In all cases, the actual contract language will govern.

This document may be updated periodically by the District and MVTA.

1. What do I do first?

First you notify the District as soon as possible, but no less than 30 days before your leave will begin.

Next, within four months of the expected date of birth, provide the District with a doctor's verification of the necessity for the leave and when the pregnancy disability leave is to begin. The doctor's note is needed whether or not you intend to use sick leave during your period of disability. This doctor's note is common practice and your physician will probably be familiar with the request.

Arrange a meeting with your principal to go over your particular leave needs.

2. Who will notify my students' parents about the timing of my leave?

Your site administrator is responsible for notifying the appropriate parents of the nature and timing of your leave of absence from teaching. (See Section 19.2.2 of the MVTA Collective Agreement.)

3. How does pregnancy leave work?

Pregnancy leave in our District is a combination of various leaves. State law requires that pregnancy, childbirth, and related medical conditions are to be treated as any other illness or temporary disability.

Leave for pregnancy related issues comes from various sources. The primary source is Section 19.2 of the MVTA Collective Agreement, which references all the available types of leave:

- The California Pregnancy Leave Act provides leave for pregnant employees;
- The California Family Rights Act (CFRA) provides for leave for family illness/disability;
- The federal Family Medical Leave Act (FMLA) also provides for leave for family illness/disability;
- Child Bonding Leave is provided by the District for parents bonding with a new child;
- Childbearing Preparation Leave is provided by the District for the period of time before disability in preparation for childbirth; and
- Sick Leave is provided by District and the Education Code for individual or family illness/disability.

4. Are these leaves with or without pay and benefits?

All of the above leaves are *without pay* or medical benefits, except:

- If you have sick leave available you may use it for any period of the disability, but not for childcare; your salary and benefits will be continued while you have sick leave coverage. (See Section 19.2.4.)
- Our District also provides four weeks of Child Bonding Leave that is paid at the differential rate (50% of pay) if it is following pregnancy disability leave. (See Section 19.2.4.1.)
- The FMLA and CFRA require that the medical insurance benefits be continued through the period of pregnancy disability up to 12 weeks. (See Sections 19.2.4 and 19.2.3.1.)
- Medical insurance benefits during pregnancy disability and during the FMLA/CFRA 12 week period will be prorated on an annual basis. (See Section 19.2.3.4.)
- When the District-paid benefits cease, you have the option of continuing health benefits under COBRA provisions at your own expense.

5. Does the use of my sick leave also include sick leave differential?

Yes, when you exhaust accumulated sick leave, you will receive sick leave differential for the remaining period of the disability. (The amount of the differential, 50% of pay, is defined in Section 19.1.1.3.)

6. What are the lengths of each of these leaves?

- Pregnancy Disability Leave is available for the period of actual disability as verified by your physician's certification, but not to exceed the combined time under the California Pregnancy Leave Act (four months) and the CFRA (12 weeks). (See Section 19.2.3.1.)
- Child Bonding and Childbearing Preparation Leave, which is attached to Pregnancy Disability Leave, is variable in duration, but generally does not extend beyond the academic trimester or school year. The length of the leave will be determined at the time of the leave request. (See Section 19.2.3.2.)

7. What if I want to extend the leave beyond the time initially requested?

You may request a one-year extension of Child Bonding Leave, which is granted at the District's discretion. (See Section 19.2.3.3.)

8. What rights do I have to return to the same assignment after being on leave?

- If you are only on Pregnancy Disability Leave you have the same right to return to your position as you would if you were otherwise ill. (See Section 19.2.5.1.)
- If you are on a combination of Pregnancy Disability Leave and Child Bonding Leave you have a right to return to the same assignment unless the Superintendent informs you otherwise at the time of granting the leave. (See Section 19.2.5.2.)
- If you are solely on Child Bonding Leave you are not guaranteed a right to return to the same assignment. However, in most instances when the requested leave is of short duration, the District will guarantee a return to the same assignment at the time of granting the leave. (See Section 19.2.5.3.)

9. Do these same provisions apply for adoption?

Yes, for the District provided leaves; for the specific statutory leaves, such as California Pregnancy Leave Act, adoption is not covered.

10. If my baby is due during summer break, can I take pregnancy disability leave starting with the first workday in the fall?

Yes, if you are still certified by your physician as being disabled and you have not exceeded the maximum disability period allowable, as described above. Or, if you had been approved for Child Bonding Leave for this period, you may continue to remain on leave after your pregnancy disability.

11. What if I don't have much sick leave and I want to save some for later in case the baby becomes ill? Can I use differential pay instead of using sick leave?

No. All sick leave must be exhausted before you can avail yourself of differential pay. However, you may choose to save your sick leave and receive no pay.

12. I know I'm going to want to stay home with the baby longer than six to eight weeks. How can I do this and keep my job?

Your pregnancy disability period formally ends on the date that your doctor indicates that you are able to return to work. This is verified by the doctor's return-to-work notice, which must be submitted to the District's Human Resources office.

After your period of disability is over and, therefore, your pregnancy leave ends (typically, six to eight weeks), you may request Child Bonding Leave. Such leave should be requested before you take the pregnancy disability leave.

In order to preserve your right to return to the District you must be on officially approved leave, either Child Bonding, or CFRA/FMLA leave, or some combination of the two. When you apply for this leave, a return date is requested and usually granted by the District.

Remember, depending on the circumstances, this leave may be covered by sick leave differential pay (50% of salary). Please refer to questions 5 and 6 above.

Glossary

Pregnancy Disability Leave – The length of time that a pregnant woman is unable to work because of her pregnancy disability as certified by her physician. This period shall not exceed the time allowed under the combination of the California Pregnancy Leave Act and the California Family Rights Act, of seven (7) months. (See Section 19.2.2.) Leave for pregnancy disability shall be with pay to the extent the unit member has accumulated sick leave and sick leave differential to provide continuation of pay during the disability. (See Section 19.2.4.2.)

Child Bonding Leave and Childbearing Preparation – This is leave without pay. The District and the unit member determine the length of the leave for childbearing preparation and child bonding. (See Sections 19.2.3.2 and 19.2.1.)

Differential Pay – After exhausting the accumulated paid sick leave for any portion of the pregnancy disability, the employee is entitled to use sick leave differential pay of 50% of the employee's regular pay. In addition, a mother who previously has been on Pregnancy Disability Leave is also entitled to four weeks of differential pay for child bonding. (See Section 19.2.4.)

Family And Medical Leave Act (FMLA) and California Family Leave Act (CFRA) – Generally provides up to twelve (12) weeks of unpaid leave for eligible employees to care for a child after birth or adoption. Health benefits continue during this leave. (See Sections 19.3 and 19.2.3.1.)

Return To Work Date – Either the date when the Pregnancy Disability Leave is over and the employee is physically able to return to work based on the doctor's certification, or the date of return after Child Bonding Leave as agreed upon with the District, or at the end of the Family And Medical Leave Act period. (See Sections 19.2.3 and 19.2.5.)

Sick Leave – Accumulated paid time for illness. (See Section 19.1.) Sick leave may be used during pregnancy disability up to the return to work date. Sick leave may not be used during unpaid FMLA leave or Child Bonding Leave.

**SCHEMATIC FOR
COMBINED PREGNANCY RELATED LEAVES**

»> Up to Four Months of **Pregnancy Disability Leave** As certified by **Physician**

»> Up to Twelve Weeks of **California Family Medical Leave**

Pay: May use any accrued sick leave, plus is eligible for sick leave differential during the period of disability after regular sick leave is exhausted.

Medical Benefits: District will continue medical benefits during this period of paid leave.

Pay: In addition to sick leave pay, is eligible for four weeks of differential pay for child bonding if coming off disability leave. This four weeks is included within the twelve weeks of Family Medical Leave.

Medical Benefits: District continues medical benefits during this period of paid leave.

Pay: Unless eligible for the four weeks of differential pay for pregnancy disability, none of the Family Medical Leave involves pay.

Medical Benefits: District continues the benefits during the period of Family Medical Leave.