

Childbirth & Child Care Leave

2018-19

What is a leave?

A leave is an authorized absence from an individual's assigned duties. Your contract provides for a variety of leaves. This brochure summarizes the leave provisions that are available to you dealing with childbirth and child care.

If you wish to review the actual language, please note that the leave section in its entirety is found in your contract—Section 19.13.



Timelines to request a leave

In fairness to the District, you should apply for any of these leaves as soon as possible. Additionally the contract calls for some minimum timelines.

- For temporary disability leave, the contract calls for 60 calendar days written notification when possible.
- Child care leave requires 30 calendar days written notification.
- Job share applications must be made by the first Friday in March of the preceding school year.

What are my options?

When planning for childbirth or a child care leave there are basically 3 options to keep in mind:

- You can take a leave for just the period of your disability.
- You can take a leave for the period of disability plus child care leave.
- You can take a disability leave plus apply for either a half-time leave of absence, job share, or reduction in contact after your period of disability ends.

Please note that each of these options requires prior approval by the district.

Option 1: Leave for period of disability only

First of all, a pregnancy is considered under the law to be the same as an illness. This means that all the provisions of the sick leave contract language apply to your pregnancy. Therefore, when you are unable to continue to work you may use your regular sick leave. Since pregnancy takes an extended period of time, you should notify the District as soon as you know the tentative start date of your leave. This leave is considered temporary disability leave.

- Temporary disability leave (Section 19.6) is provided during the time an employee is designated by a physician as being unable to work. Depending on the pregnancy, this can occur during the pregnancy or on the actual date you go into labor, and will extend until your physician determines you to be able to work again. The standard disability period for childbirth is 6 calendar weeks. You have the right to return to your identical position if it still exists (otherwise you are guaranteed a similar position).
- During the time you are on temporary disability leave, you retain all seniority rights as well as accrued sick leave benefits. This means that you may first use up your accrued sick leave, which will maintain your regular salary and insurance benefits. If you choose this option, you may still save up to 5 days of sick leave for future use. You need to inform the District in writing as to how much of your sick leave you wish to use for the temporary disability leave. If you don't have any, or elect not to use any of your sick leave, then this becomes unpaid leave.
- Although this is very unlikely for a standard pregnancy and childbirth, if you are disabled for more than 90 consecutive calendar days, you become eligible for Long Term Disability Insurance benefits. This insurance will pay approximately 60% of your salary until you are able to resume working. At the beginning of each school year, you also have the option of purchasing Short-Term Disability Insurance which provides additional coverage. There are several benefit levels and premium rates for this Short-Term Disability Insurance. Be sure to check with the District's payroll office for further information, especially regarding any plan restrictions.



Option 1—continued

- You are entitled to up to 12 total weeks of leave (including the temporary disability) under Family Medical Leave, if you qualify. During this time, whether you are in paid status by using your sick leave or not, you will still have your benefits paid by the district. You can use up to all of your accrued sick leave to care for your child.
- After the 12 weeks, there may come a point when the District no longer pays your medical, dental, vision, or life insurance premiums. Check with Payroll to find out the exact date this may occur for you. You may choose to pay medical, dental, and vision premiums yourself at this point and continue to benefit from the group rates. In addition, if you have any of the optional programs such as additional life, cancer, or short term disability Insurance you can continue to pay these. If you elect to do this, you must inform the District that you wish to continue your coverage (this is called a Cobra Plan).
- You have the opportunity to apply for a partial disability leave if your physician decides at some point in your pregnancy you should reduce your workload to less than full-time. Contact LWEA for more details if this should affect you.



Option 2: Temporary disability leave plus child care leave

All the same provisions for temporary disability leave apply, plus this option allows you to add additional leave after the 12 weeks of disability and family leave is over. The contract gives either parent the right to request long term Child Care Leave without pay for up to 2 school years per child. During this time, you can use whatever accrued sick leave you have to keep you in a paid status. You have the right to return to your previous position if it still exists (otherwise you are guaranteed a similar position). Child care leave can be requested for care of a child up to school age, for legally adopting a child, or for care of a medically ill dependent child.

Because this is unpaid leave, the District no longer contributes to your medical, dental and life insurance premiums. You may pay these yourself and continue to benefit from the group rates. Be sure to inform the District that you wish to continue your coverage (Cobra) and you will be responsible for sending in a monthly check to cover the premiums.

Option 3: Part-time leave of absence, job share, or reduction in contract

Some of you may want to reduce the number of hours you work while your child is still young. There are 3 different options available to you, but all are subject to approval by the District:

- You may apply to the District for a partial (usually half-time) leave of absence for child care. The District has the right to either grant the leave or deny it. The advantage is that you would then be able to return to your regular full-time status at the end of your part-time leave. Remember that as long as you work .5 FTE or more, your benefits are prorated to the full-time equivalent. The usual length of such a leave is one year, with the possibility for an extension at the discretion of the District, for a total of two years per child (not to exceed four consecutive years).
- Another means to reduce your workload is through a job share assignment. This is where 2 people share a single assignment, splitting all the duties of that single assignment. The participants will be treated as if they are on half-time leaves and will have the same benefits and seniority rights as .5 FTE employees. This is a 1 year part-time leave which may be extended. You are guaranteed an equivalent, but not necessarily the same position when you go back to full-time. Check your contract (Appendix M: Job Share language) for full details about job sharing.
- Although the District is under no contractual obligation to do so, your final option is to request a reduction in your contractual status. With this, you would ask the District to change your full-time status to part-time. If you do this outside of the leave provision, **you could lose your ability to be guaranteed full-time employment** when you no longer desire the part-time status. Make sure that when choosing this option, you are aware of the inherent risk which means that you may never regain your full-time status. The same partial prorated benefits apply for .5 FTE or more. If you choose to work less than .5 FTE, you will lose all benefits.

Leave for non-birth parents

Non-birth parents may use sick leave to care for their partner during the time that she is temporarily disabled or if the baby is ill or has medical problems. If both birth/adoptive parents are LWSD employees, it is possible to take the leave consecutively rather than at the same time. In addition, non-birth parents can use their accrued sick leave for child care leave, and can apply for a job share or reduction in contract under the same provisions that are listed above.

