

Maternity Leave

Answers to Frequently Asked Questions

We hope you will find the information in this packet a helpful tool in planning your Maternity Leave.

While this will be one of the happiest times of your life, work-wise it can quickly become confusing when trying to find your way through the maze of laws and benefits available to you. We've tried to simplify the process for you in this packet. Please remember, you can always contact HR, **Hanwool Kim** our CBO, for guidance and assistance.

NOTE: This summary is intended to be an aid in providing employees who will be on Maternity Leave with possible leave options. While every attempt is made to align this packet with current California and Federal Leave Laws, it is important to remember these laws are ever-changing and information within this packet is subject to change without notice.

Frequently Asked Questions

1. I just found out I'm pregnant – what should I do?

As soon as is practical, please let your supervisor know so that preliminary planning for coverage of your position can begin. When you have an estimated date of delivery and are likely know your future leave plans, please submit a Maternity Leave request in writing. The request should include the expected due date or first day of leave, along with a return to work date (stating additional leave you are planning to take beyond the 6-8 weeks of medical leave).

2. How long can I keep working?

You may continue working as long as you and your doctor agree that you can perform your job safely.

3. I am not due for a few weeks, but my doctor has placed me off work. What do I do?

If the beginning date of your maternity leave has changed, please submit an updated doctor's note to Human Resources with your new release from work date.

4. What is PDL?

PDL stands for Pregnancy Disability Leave. PDL begins the first date you are placed off work for your pregnancy and/or delivery and continues as long as your doctor indicates you are disabled by pregnancy post-partum, or for a maximum of four (4) months or 17 ½ weeks, whichever comes first, per Government Code Section §12945. During Disability Leave the District will continue to pay its portion of medical and dental benefit premiums.

5. What is FMLA/CFRA?

FMLA stands for Family Medical Leave Act. FMLA allows qualified employees to take up to 12 weeks of job-protected leave and runs concurrently with PDL. Since not all employees qualify for FMLA, please check with the Human Resources department for eligibility requirements. The requirements are as follows: The District will send FMLA eligibility paperwork to you when you begin your PDL. FMLA leave begins the first day you are placed off work for your pregnancy and/or delivery. During FMLA the District continues contributions to medical and dental benefits. You will still be responsible for your portion of the benefit cost. FMLA is limited to 12 work weeks every 12 months. The 12 month period is measured forward from the date of your first FMLA leave usage.

6. I delivered my baby, now what?

Please submit a new doctor's note indicating how long your doctor has taken you off work for disability post-partum to HR as soon as possible. ***Please remember to email Han, our CBO, within 30 days of birth if you choose to add your baby to your health plan.***

7. What is the normal length of time I will be off work for disability?

Because every pregnancy is different, you and your doctor determine the length of time off work for disability. Routine post-partum pregnancy disability is 6 weeks following a natural delivery, or 8 weeks following a cesarean section. Your doctor may determine that you are disabled from work for additional time before or after the delivery of your baby.

8. When can I return to work?

You may return as soon as your doctor releases you. Again, this is a medical decision that is made by you and your physician.

9. What if I want to stay out a little longer after my doctor releases me from disability?

Once you receive medical clearance to return to work, you may request to remain off work for "Child Bonding" under the California Family Rights Act (CFRA). CFRA allows for an additional 12 weeks of leave for employees to bond with a newborn child or a child placed for adoption/foster care. CFRA is limited to 12 work weeks in a rolling 12-month period.

10. What is Differential Pay (Certificated Employees)?

If you run out of Sick Leave and you are still disabled by pregnancy, you will be placed on differential pay under Extended Illness Leave, Ed Code §44984. Differential pay is your daily pay rate less the amount of money the District is paying or would pay for a substitute to take your place. Per Ed. Code Section §44977.5, employees off work for the purposes of bonding with their new child are now eligible to receive 50% of their regular salary up to 12 work weeks as long as they have exhausted all available sick leave (AB 12012). The 12 work weeks of child bonding begin when an employee is no longer disabled post-partum or when a non-birthing parent is out on 12 weeks of child bonding. Child bonding time must be taken within 1 year of the child's birth. The employee must have been employed by the District for at least 12 months to qualify for partial pay under Ed. Code §44977.5 but does not have to meet the 1250 hours to qualify for the Paid Parent Leave.

11. How do holidays, breaks or district in-service days effect my pay on leave?

Depending on your work calendar, your salary is divided over 11 or 12 months so that you are paid an equal monthly amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring break, etc.). You are, in reality, only paid for actual days you work when students are in class or when you are attending district in-service. If holidays or non-work days (such as school vacations) occur during your leave, sick leave will not be deducted. However, holidays will count as days used under your FMLA/CFRA leave entitlement. Time that an employee is not scheduled to work (for example winter break, spring break, ski week or summer depending on your job) will not count towards your FMLA or CFRA leave allocation.

12. I want to stay out even longer. Are there any other options?

Certificated Employees: If you have exhausted leave under CFRA and you want to remain off work, you may request unpaid child care leave without pay for up to one school year. Please be advised that you will not receive any salary or District-paid benefits during this leave, however, you may reimburse the District for your benefits. Please note that no sick leave will be accumulated by a unit member who is on an unpaid parental leave of absence. To request

additional unpaid parental leave, please put a request in writing with dates shown for an Unpaid Leave of Absence and submit it to HR.

13. How much leave is allowed if both parents work for the District?

If both parents work for the district, only one twelve (12) week period of child bonding, combined, is available in a rolling 12-month period.

14. When will I be expected to pay for the full cost of my benefits?

While you are off work under your 12 weeks of FMLA as well as while you are receiving partial pay during child bonding/CFRA, the District contribution to your benefits will continue as if you were working. If FMLA and child bonding (CFRA) time is exhausted and you have not returned to work and choose to take unpaid leave, the District will not continue to cover the cost of your benefits and you will be responsible for the full premium to continue your benefits. Because benefit contributions are paid on a monthly basis, you will be invoiced for the full cost of benefits when you are on unpaid leave for a full month. You may select to have direct pay. Please note that beginning a leave of absence, losing employer contributions to a healthcare plan resulting in a significant increase in the employee's share of premiums (moving to unpaid leave), and returning from leave are Qualifying Events under our medical and dental plans. This means that within 30 days of these events you may drop or add benefits outside of open enrollment.

15. How does leave work for the non-birthing parent?

The non-birthing parent is entitled to three (3) days with pay and may also utilize personal necessity. For baby bonding purposes please see questions # 13, 14, 16, and 23. Non-birthing parents are entitled to take baby bonding under CFRA and would be entitled to 12 work weeks of leave under CFRA. If they choose to use all of their accumulated sick leave they would be able to get 50% differential pay once they have exhausted their sick leave.

16. Do I qualify for state disability (SDI)?

Since certificated WESD employees do not pay into State Disability Insurance (SDI), you are likely not eligible. However, eligibility for state disability is determined by the California Employment Development Department and it is suggested you contact SDI for specific information. Any forms sent to us will be quickly forwarded so your eligibility can be determined accurately.

17. How will my substitute be selected? Am I responsible for finding someone?

The site administrator and/or Human Resources will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your supervisor.

18. Will my maternity leave affect my salary advancement when I return (Certificated Employees)?

To be eligible to advance to the next step on the salary schedule a certificated employee must have worked **at least** 75% of the school year.

19. If I am a certificated employee and I take a year-long leave, do I get my grade level back when I return?

Employees out on Maternity leave should return to their grade and classroom if they return within the same school year. If you return to work the following school year, there may be changes to your grade and/or classroom based on other factors in the contract. It is important to remember that although FMLA and CFRA are “job-protected leaves,” this does not mean you will always return to the exact position you occupied prior to your leave.

20. I have income protection or disability insurance. Can I use it? How does it work?

Some voluntary disability plans cover maternity leave. Please contact the insurance company directly to discuss your plan. If the agency needs any information from the District, they will send the forms directly to HR and the forms will be completed and submitted promptly.

21. What is Paid Family Leave?

Paid Family Leave (PFL) allows eligible workers partial salary replacement but does not provide job protection or return rights. Since certificated District employees do not pay into State Disability Insurance (the program under which PFL is paid), you are likely not eligible. However, eligibility for PFL is not determined by the District. Please contact EDD’s Paid Family Leave department for eligibility determination if you are interested.

22. I’m still confused, who can answer my other questions?

Human Resources is here to help! This whole topic can be very confusing, as every situation is quite different. We strongly suggest you make an appointment with Han, our CBO to talk about how your leave will affect your salary and benefits during your maternity leave.

23. What is Paid Parental Leave?

Paid Paternal Leave under Education Code §44977.5 allows for a parent to be paid their sick leave or partial pay if sick leave is exhausted while out on baby bonding leave under CFRA. The requirements for Paid Parental Leave are the same as CFRA, except that working 1250 hours is not required. One 12 week period of paid parental leave is allowed in one year period.

Please contact Hanwool Kim if you have any questions, or to schedule an appointment.

SAMPLE CALENDAR



- Disabled by pregnancy with physician certification
- Leave Laws: PDL/FMLA
- Sick leave used until exhausted, then employee paid at differential/half pay

Disability ends, child bonding begins
Leave Laws: CFRA
Paid at 50% after sick leave is exhausted

May apply for additional unpaid time off
Benefits paid at full cost

No School/Holiday	Sick Leave (16 days)	Differential pay (up to 12 weeks)
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Delivery Date 10/19

Return to work Date

Baby Bonding Begins

JULY							AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER							
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	
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Reminder-What HR Needs for Your Leaves

- Before leave begins, submit a Maternity Leave request letter estimating the dates of pregnancy disability leave (6-8 weeks) and baby bonding leave (12 weeks maximum).
- Input your absences into Aesop as Maternity Leave and work with your supervisor and HR to secure a substitute.
- After the baby is born, please provide a new doctor's note stating how long you will be disabled. This note will be used to determine when you will begin your child bonding time.
- If you are planning to add your baby to your WESD benefits, please provide a temporary birth certificate within 30 days of the birth.
- Please keep in touch regarding your planned child bonding time off and your intended return to work date.
- To request unpaid time off, please submit in writing a request for additional leave time.



Type of Leave	Duration	Benefit	Eligibility Requirements and Use
Pregnancy Disability Leave (PDL) Gov. Code §12945	Up to 4 months (17 ½ weeks)	<ul style="list-style-type: none"> • Job protected leave • Eligible for benefit continuation of employer contribution for medical/dental/vision 	A woman is eligible for up to 4 mos. of pregnancy disability leave regardless of the length of time she has worked for District. PDL may be taken when a woman is disabled by her pregnancy, childbirth, or a related medical condition, for example; time off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, and any related medical condition.
Family & Medical Leave Act (FMLA)	Up to 12 weeks per calendar year	<ul style="list-style-type: none"> • Job protected leave • Eligible for benefit continuation of employer contribution for medical/dental/vision 	Eligibility requirements: <ol style="list-style-type: none"> 1. 12 mos. cumulative District service 2. 1250 actual hours worked in the prior 12 mos. May run concurrently with PDL for any period of incapacity due to pregnancy or for prenatal care (e.g. see medical conditions listed above).
California Family Rights Act (CFRA)	Up to 12 weeks for baby bonding	<ul style="list-style-type: none"> • Job protected leave • Eligible for benefit continuation of employer contribution for medical/dental/vision 	Eligibility requirements: <ol style="list-style-type: none"> 1. 12 mos. cumulative District service 2. 1250 actual hours worked in the prior 12 mos. If you were eligible for FML at the time of your leave, you will be eligible for an additional 12 weeks of protected leave to bond with the child. Leave must occur within 1-year of the birth of the child or 1-year anniversary of adoption.
Paid Parental Leave (\$44977.5) (certificated) §(45196.1) (K-12 Classified)	Runs Concurrent with CFRA (baby bonding)	<ul style="list-style-type: none"> • Sick leave may be used for “parental leave” purposes • Entitled to one 12-week “parental leave” per year. • Entitled to partial (50%) pay as long as sick leave has been exhausted. 	Same requirements as CFRA but 1,250 work hours in the preceding 12 months is NOT a requirement.