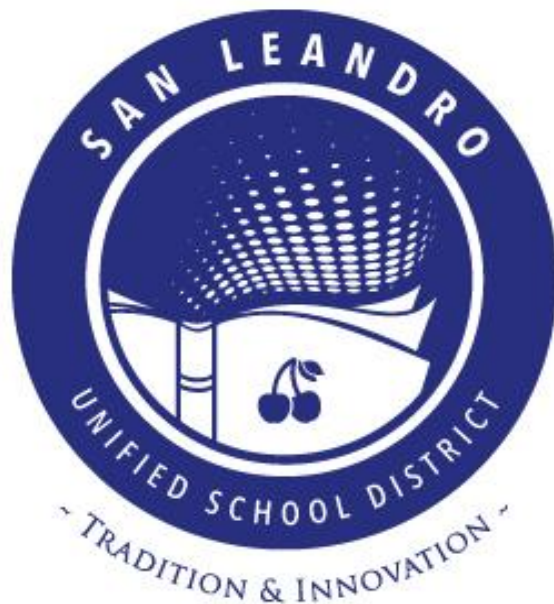


**SLUSD**  
**Pregnancy**  
**Disability Leave**  
**and Paid**  
**Parental Leave**  
**Packet**



# Answers to Frequently Asked Questions about Pregnancy Disability Leave Paid Parental Leave, FMLA, and CFRA



## ***Congratulations!***

**We hope you will find the information in this packet a helpful tool in planning your Pregnancy Leave and/or Paid Parental Leave.**

Please Note: This summary is intended to be an aid in providing employees who will be on Pregnancy Disability Leave and/or Paid Parental Leave with information regarding their 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.

Updated March 2023

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## Timeline for Pregnancy and Paid Parental Leaves

1. **Pregnancy Disability Leave (PDL)** Grants an employee up to four months (17-1/3 weeks) of unpaid leave with benefits while the employee is disabled by pregnancy, childbirth, and related medical conditions. (Under the terms of the Collective Bargaining Agreements and Education Code, PDL may be paid as sick leave and/or extended illness leave.) *Note that a typical PDL is 6 weeks after the baby is born for a traditional delivery and 8 weeks for a cesarean delivery.*

2. **Family Medical Leave (FMLA)** Covers disabilities caused by pregnancy and childbirth, and child-bonding. PDL and FMLA run concurrently (at the same time). FMLA provides up to 12 weeks of unpaid leave that could be paid (by using sick leave) or unpaid depending on the PDL.

3. **California Family Rights Act (CFRA)** Provides eligible employees with up to 12 weeks of unpaid Parental Leave to care for and bond with an employee's newborn child, or child newly placed for adoption or foster care. Parental leave, or "baby bonding leave", under CFRA, begins after the employee is medically released to return to work by their doctor.

4. **Paid Parental Leave** Under the terms of the California Education Code, all certificated and classified employees who have worked for the District for at least 12 months are entitled to use up to 12 workweeks of current and accumulated sick leave while on Parental Leave under CFRA.

# Salary & Benefits During Pregnancy and Paid Parental Leave

## **Certificated PDL Leave**

Pregnancy Disability Leave (PDL) will utilize sick days. Once your sick leave has been exhausted, you will receive differential pay for the remainder of your PDL. Differential pay is the difference between your daily rate of pay and the substitute daily rate. You will continue to be eligible for the district benefit contribution as long as you are in paid status.

## **Classified PDL**

Pregnancy Disability Leave (PDL) will utilize sick days and vacation days. Once your sick leave and vacation have been exhausted, you will receive differential pay for the remainder of your PDL. Per the terms of CBA 8.1, differential pay is the difference between your daily rate of pay and amount actually paid to a substitute to cover your assignment. You will continue to be eligible for the district benefit contribution as long as you are in paid status.

## **Paid Parental Leave**

Under the **California Family Rights Act (CFRA)** eligible employees may request up to 12 weeks of leave after the birth of a child, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Under the **Education Code**, employees choosing to take CFRA Parental Leave are entitled to Paid Parental Leave. Paid Parental Leave is paid using an employee's sick leave and, once all sick leave has been exhausted, they will be paid differential pay. (Differential pay for Paid Parental Leave is the employee's daily pay rate less the amount actually paid to a substitute to cover the employee's assignment. Under the Education Code, differential pay for Paid Parental Leave shall not be less than 50% of the employee's regular rate of pay.)

## **District Parental/Adoption Leave**

Under the applicable Collective Bargaining Agreements, the SLUSD offers employees paid Parental/Adoption Leave (aka Paternity Leave) for 1 to 3 days (depending on the bargaining unit - please check your bargaining unit agreement for more information). This leave runs concurrently with the leaves described above. However, employees using this leave will not have their sick leave docked for these days.

# Frequently Asked Questions

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

Let your site administrator or supervisor know so that preliminary planning for coverage of your position can begin. When you have an estimated date of delivery, please submit a **doctor's note with Estimated Date of Delivery (EDD)** to the Personnel Services Department. The purpose of this form is to provide the District with estimated dates for your Pregnancy Disability Leave.

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

If your date of release from work has changed, please submit an updated doctor's note to Personnel Services with your new release from work date. Your PDL/sick leave would begin as soon as your doctor has released you from work.

## 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. A routine PDL leave is 6 weeks following a natural delivery, or 8 weeks following a cesarean section. You and your doctor may determine that you need additional time before or after the delivery of your baby.

## 5. What is FMLA?

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 Personnel Services Department for eligibility requirements. 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 and runs concurrently with depletion of sick leave (and vacation for Classified employees). FMLA also allows you to have the District continue contributions to medical and dental benefits. The employee will still be responsible for their portion of the benefit cost. FMLA is limited to 12 workweeks every 12 months. The 12-month period shall coincide with the fiscal year.

## 6. What happens after my baby is born?

Please submit a doctor's note which includes date of birth and required time off for PDL which for a routine pregnancy leave is 6 weeks following a natural delivery, or 8 weeks following a cesarean section. Please remember to contact the Payroll/Benefits department within 30 days of birth if you choose to add your baby to your health plan.

If you are the non-birthing parent, you may be eligible to submit for Paid Parental Leave.

## 7. What is the normal length of time I would be allowed to be off for Pregnancy Disability

Because every pregnancy is different, you and your doctor determine the length of time away

from work. A routine pregnancy leave is 6 weeks following a natural delivery, or 8 weeks following a cesarean section. You and your doctor may determine that you need 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 and will not be made by the District.

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

Once you receive medical clearance to return to work, you may request to remain off work to bond with your baby. Parental Leave is provided 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 or foster care. CFRA cannot be used for the employee's pregnancy. CFRA is limited to 12 workweeks every 12 months. The 12-month period is measured forward from the date of birth or placement of a child through foster care or adoption. CFRA leave does not need to be taken in one continuous period of time. Much like FMLA, not all employees are eligible for CFRA. An employee must have worked for the district for at least 12 months. Please contact the Personnel Services Department to discuss eligibility.

#### **10. What if my spouse/partner also works for SLUSD? Are we each entitled to 12 weeks of Parental Leave ("Baby Bonding Leave") under CFRA?**

Yes, both parents are entitled to a total of 12 work weeks of Parental Leave.

#### **11. I want to stay out even longer. Are there any other options?**

You may request a Leave of Absence but this time will be unpaid. Please be advised that you will not receive any salary or District-paid benefits during an unpaid leave. However, benefits may be purchased through the District (COBRA).

#### **13. Do I deplete my sick leave while on PDL or Paid parental Leave?**

Yes. Sick leave is exhausted first. If you are a classified employee, your vacation is also exhausted during PDL.

#### **14. Do I get paid during vacation and breaks or for district in-service?**

Depending on your work calendar, the salary is divided over 10, 11 or 12 months so that you are paid an equal amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring break, etc.). In other words, you will be paid when you are normally required to work or attend a district in-service.

#### **16. Do holidays or non-duty days count against my time off?**

Non-duty days and holidays are not deducted from your sick leave balance. For purposes of FMLA and CFRA, if an employee takes a week of leave under FMLA or CFRA and a holiday occurs during the week, the employee has still exhausted a week of FMLA/CFRA leave. If school is closed, for instance for a vacation period during the winter holidays or over the summer, and you are not expected to report to work for one or more weeks, those weeks may not be counted against FMLA/CFRA leave.

## **17. What about my benefits?**

Benefit coverage will continue while you are out on a FMLA leave, until your doctor releases you to return to work, and/or while on Paid Parental Leave. If FMLA and Parental Leave have been exhausted and you have not returned to work, the District will not continue to cover the District's contribution toward your benefits and you will be responsible for the full premium of your benefits. Benefits contributions by the District vary depending on your bargaining unit. Please check your collective bargaining agreement or contact the SLUSD Benefits Department if you have questions about benefits.

## **18. Do I qualify for state disability (SDI)?**

Since Certificated employees do not pay State Disability Insurance (SDI), teachers are not eligible. Classified employees do pay SDI, and are eligible. However, eligibility for state disability is determined by that agency, 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.

## **19. How will my substitute be selected? Am I responsible for finding someone?**

The site administrator and Personnel Services Department will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Every effort will be made to grant your recommendation. Because our intent is to find the most qualified candidate, we cannot guarantee that your desired substitute will be chosen.

## **20. Will my PDL or Paid Parental Leave affect achieving permanent status?**

Time taken for PDL or Paid Parental Leave is calculated as if you are still in your position. However, you must be in paid status for a minimum of 75% of the year. If you take extended periods of unpaid leave, it could delay achieving permanent status.

## **21. If I am a certificated employee and I take a long leave, do I get my school and grade back when I return?**

We try to place everyone in their first choice of school and grade but this is not a guarantee. On a short-term PDL that does not involve CFRA leave, you will most likely return to the same class. It is important to remember that although FMLA and CFRA are "job-protected leaves," this does not mean you will return to the exact position you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential (for certificated employees) upon your return.

## **22. I have income protection/Insurance, can I use it? How does it work?**

Some voluntary disability plans cover maternity leave. Please contact the agency directly to discuss your plan. If the agency needs any information from the District, they will send the forms directly to the Personnel Services & Payroll Departments and the forms will be completed promptly.



### 23. What is California Paid Family Leave?

California Paid Family Leave (PFL) allows eligible workers partial salary replacement but does not provide job protection or return rights. Eligibility for California PFL is not determined by the District. Please contact EDD's California Paid Family Leave department for eligibility determination.

### 24. I'm still confused, who can answer my other questions?

The Personnel Services staff 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 Payroll/Benefits to talk about how your salary and benefits may be affected if you plan to take FMLA or CFRA leave.

<b>Angela Gutay</b> <a href="mailto:agutay@slusd.us">agutay@slusd.us</a>	<b>Lorena Reyes</b> <a href="mailto:lreyes@slusd.us">lreyes@slusd.us</a>	<b>Amaya Brown</b> <a href="mailto:amayabrown@slusd.us">amayabrown@slusd.us</a>	<b>Lupita Trejo</b> <a href="mailto:ltrejo@slusd.us">ltrejo@slusd.us</a>
<ul style="list-style-type: none"> <li>● SLHS</li> <li>● Lincoln</li> <li>● Adult Education</li> <li>● Garfield</li> <li>● Monroe</li> <li>● McKinley</li> <li>● Roosevelt</li> <li>● M&amp;O</li> <li>● Technology</li> <li>● Food Services</li> <li>● SLVA</li> </ul>	<ul style="list-style-type: none"> <li>● Bancroft</li> <li>● John Muir</li> <li>● Halkin</li> <li>● Jefferson</li> <li>● Washington</li> <li>● Madison</li> <li>● Student Services</li> <li>● Special Services</li> <li>● Educational Services</li> <li>● Personnel Services/Business</li> </ul>	Substitutes	Employee Benefits Specialists

# LONG TERM CERTIFICATED SUBSTITUTE ORIENTATION

Listed below are items to discuss with your long-term substitute and/or your site administrator prior to your leave. Please note that not all of these topics will apply to every grade level. Please utilize what applies to you and your position and/or site.

1. Student information: health concerns, behavior, parent involvement (restraining orders); IEPs
2. Lesson plans: past plan book (material already covered), rest of the year plan (as appropriate), where to find all teacher's guides and student material, workbooks
3. Classroom Management: behavior expectations, class rules, rewards and consequences
4. Class routine: daily schedule; rules regarding bathroom use, sharpening pencils, and drinks; signal used to get students' attention; rainy days; emergency drills; roll call
5. Class list/seating chart
6. Yard duty responsibilities: where, when, what
7. Out of classroom activities: PE, music, art, library
8. Prep period schedule
9. Grading procedures: grade book, report cards, grading system (percentage, letter grades, stickers, stamps), any portfolios
10. Homework policy: typical assignment, frequency
11. Class events such as birthdays: When do you celebrate them & how? List of dates
12. Filing system
13. Student jobs/helpers
14. Special person of the week/month
15. Advice/procedures for minimum days or assembly schedule
16. State testing or upcoming events
17. Your telephone number or email and anticipated return date
18. Grade level/department colleagues

**SAN LEANDRO UNIFIED SCHOOL DISTRICT**  
 Employee Request for Additional Leave Under FMLA/CFRA Laws

\_\_\_\_\_

Last Name

First Name

Initial

\_\_\_\_\_

Street Address

City

State

Zip

\_\_\_\_\_

Contact Number

E-mail Address

\_\_\_\_\_

Position

Work Site

**I request a leave of absence pursuant to the FMLA Laws as follows (check one):**

- Pregnancy Disability (You are automatically placed on FMLA when you begin PDL)

\_\_\_\_\_ through \_\_\_\_\_  
*Start Date End Date*

- Bonding with newborn child or child placed for adoption / foster care (CFRA)

\_\_\_\_\_ through \_\_\_\_\_  
*Start Date End Date*

- Employee's Own Serious Health Condition (Medical Certification Required)

\_\_\_\_\_ through \_\_\_\_\_  
*Start Date End Date*

- Care for Employee's Spouse, Dependent Child, or Parents with a Serious Health Condition (Medical Certification Required)

\_\_\_\_\_ through \_\_\_\_\_  
*Start Date End Date*

\_\_\_\_\_

Employee Signature

Date

**Personnel Services Use Only**

- Approved  
 Not Approved

\_\_\_\_\_

Personnel Services Signature

Date

**Comments:**