



**WHAT YOU NEED
TO KNOW ABOUT**

**Pregnancy Disability
and
Child Care Leave**

04/07/11
(Revised)

A Booklet for PDTA Members

Checklist

Read information in this booklet. If you wish to discuss questions and/or concerns, please make an appointment with the Director of Human Resources.

Make final health insurance decisions. We strongly recommend that you request the current comparisons in coverage and rates from the Human Resources Office as early as possible.

Attain any necessary enrollment forms for health insurance as well as dental insurance from the Human Resources Office.

Check the requirements of your spouse's employer prior to the birth of the baby if you are considering a change to your spouse's insurance.

Complete the attached letter stating your intentions for leave. Mail copies to the building principal, Pittsford District Teachers Association President and Director of Human Resources 90 days prior to the planned leave.

Contact the building principal and the Director of Human Resources if a medically unexpected leave occurs. You will need to submit a letter to Human Resources from your doctor describing your medical situation.

Call Human Resources Office to report the birth of the baby within five days.

Make sure you receive a copy of your enrollment form(s) from the Payroll and Benefits Office verifying the changes to your insurance coverage.

See the current contract for details on absences and leaves if you wish to extend your leave.

Pregnancy Disability And Child Care Leave

The purpose of this booklet is to respond to some of the most frequently asked questions about pregnancy disability and child care leave. Acknowledging the fact that no two leaves are the same, hopefully, this document will provide helpful information to you while you prepare for your leave. Additional information can be found in your PDTA Collective Bargaining Agreement. You can also seek information from the Human Resources Office by calling extension 1008 or by calling the PDTA Office at extension 1035.

There are three types of leaves that will be discussed throughout the document.

Paid Leave: Personal Illness days, Prolonged Illness days and Sick Leave Bank days are applied during a paid leave. They can be used when medical need exists. For the typical leave this would be up to two weeks prior to the expected birth and six weeks after the birth (eight weeks for Caesarean delivery).

Unpaid Leave: Personal Illness days, Prolonged Illness days and Sick Leave Bank days cannot be applied during this time period. If you choose to continue to participate in a District health insurance option, you will be contacted by payroll with payment information.¹ A child care leave is an unpaid leave.

¹ If the unpaid leave falls within the 12 weeks of FMLA leave, the insurance premium paid by the employer is the same as during paid leave.

Family and Medical Leave: The Family Medical Leave Act (FMLA) covers all employees who meet certain criteria (a minimum number of hours worked the previous year, for example). If you qualify, you are allowed 12 weeks of unpaid leave time per year. This 12-week period includes all paid sick time. For example, if your doctor recommends that you leave work two weeks before your baby is due and then recommends that you remain out of work for six weeks following delivery, you will have then been out a total of eight weeks. Assuming that you have enough Personal Illness, Prolonged Illness and Sick Leave Bank time, you will be paid for that entire period. You then have 4 weeks of unpaid FMLA leave remaining.

During FMLA leave, you are entitled to the same benefit level of District-paid health and dental insurance premiums. In other words, your financial obligation for premiums, if any, is the same as when you are working. The 12 weeks of leave are counted from your first day of disability and will be consecutive in nature. Vacation weeks do not count as part of the 12 weeks of FMLA Leave.

SAMPLE LETTER

Date

Mr. or Ms. _____
Assistant Superintendent for Human Resources
Human Resources Department
Pittsford Central Schools
75 Barker Road - East Offices
Pittsford, NY 14534

Dear Mr. or Ms. _____,

In accordance with the current negotiated Agreement between the Pittsford Central School District and the Pittsford District Teachers Association, I hereby request a pregnancy-related disability leave of absence to commence on or about (expected first date of disability) and to end (expected date of disability to end). I intend to make use of my Personal Illness, Prolonged Illness, and Sick Leave Bank time subject to my doctor's recommendation.

I further request an unpaid child care leave of absence to commence immediately following my disability leave of absence and to end (expected date of return to District).

Additionally, I request that the District pay its regular contribution for my health insurance benefits as required by the Family Medical Leave Act and the current negotiated Agreement beginning (expected first date of disability).

Please send me acknowledgement of the disposition of this leave request.

c: Principal
Pittsford District Teachers Association President

in August, you would be entitled to use your Personal Illness, Prolonged Illness and Sick Leave Bank time to realize some paid leave in September, as your disability period would still be continuing.

10) Can male employees take unpaid child care leave?

Yes.

11) Does an unpaid leave have any effect on the length of my probationary period?

Yes. An unpaid leave extends the probationary period. Paid leave does not.

12) Does unpaid leave affect seniority?

Yes. Seniority does not accrue while on unpaid leave.

13) What are the guidelines for return from child care leave?

Each employee shall be granted child care leave in conjunction with the birth or adoption of a child. Such leave shall be granted for no longer than two full years. The return from any such leave shall be at the start of the second semester of the first year of child care leave or at the beginning of a school year. No two child care leaves shall be granted consecutively.

Questions and Answers

1) How many days does the District allow prior to the birth and after the birth of a child?

The amount of leave permitted prior to and after a birth is dependent on medical necessity. If your doctor certifies in writing that you are unable to perform the essential duties of your job, then that defines the length of the leave. The tradition has been up to two weeks of disability before the expected birth and six weeks after the birth (eight weeks in the case of a Cesarean birth).

2) May I use my Personal Illness, Prolonged Illness and Sick Leave Bank time during the medically necessary disability period?

Yes. You may use your Personal Illness, Prolonged Illness, and Sick Leave Bank time for this purpose. As long as you have enough days to cover this period, you will be paid for the period of time your doctor recommends that you remain out of work. Health insurance is also continued during this time period.

3) How do I apply for child care leave?

Included in this booklet is a sample letter with blanks where information can be placed to complete the text. Submit this to the Human Resources Office 90 days in advance of the first day of the anticipated leave.

4) What are my obligations regarding notification of the Human Resources Office and the health insurance companies after the birth of my baby?

As soon as you are able, please notify the Human Resources Office with the birth date of your child and any information that may affect your leave. Both health insurance carriers and dental insurance carriers require notification of the birth.

You need to request the appropriate forms from the Human Resources Office to be completed and returned. You will receive a confirmation of your enrollment form noting the addition and/or changes to the insurance plans. Some of the insurance companies will issue new insurance cards.

5) Can I cancel health insurance plan at the end of the FMLA 12-week period?

Yes. You can cancel your health insurance at any given time.

6) When can I switch over to my spouse's health insurance plan?

You will need to check with your spouse's insurance carrier. Individual insurance companies have rules about when a person can enter a program. These rules generally require what is known as a "qualifying event" or an "open enrollment period" to change without the enforcement of a pre-existing condition clause. A qualifying event is generally a change in the family structure such as a divorce, marriage, the birth or placement of a child for adoption or foster care, a death of a covered family member. Other qualifying events include loss of a job or unavailability of insurance.

7) When can I change District health insurance plans?

- a) During the open enrollment period in June of each year.
- b) At the time of a qualifying event (A change in the family structure such as a divorce, marriage, the birth or placement of a child for adoption or foster care, a death of a covered family member). The key to changing insurance plans is to be prepared ahead of

time! This really needs to be investigated prior to the change in family structure. We suggest that you call the Human Resources Office and ask for the current health insurance comparisons and rates.

8) How do I pay insurance premiums while on leave?

At the beginning of the leave, you will be informed of the amount of the monthly obligation. Excellus will bill you directly.

If the choice of health insurance plans affects the amount of premium that the employee is responsible for, this will be adjusted at the time that the new insurance takes effect. For example, going from a two-person plan to a family plan may increase your health insurance premium. If your leave of absence continues after the rates change, you will be informed of the new payment. Adjustments are made to cover partial months and any special circumstances.

9) If the birth takes place in the summer or during a non-school attendance period, when does the leave begin?

The period of disability begins and ends when your doctor indicates that you are unable to work. The leave for a disability during which you may use your Personal Illness, Prolonged Illness and Sick Leave Bank time is confined to the period of time your doctor says that you are medically unable to work (usually 6 weeks following the birth of your child). It does not matter whether school is in session for all or a part of that time. For example, if your baby were born on July 1, you would receive no paid time for a disability period because your entire disability period would take place outside the school year. If, on the other hand, your baby was born the third week