



**WHAT YOU NEED
TO KNOW ABOUT**

**Pregnancy Disability
and
Child Care Leave**

A Resource for PDTA Members

Revised September 2018

The purpose of this document 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 as you prepare for your leave. Additional information can be found in your PDTA Contract/Collective Bargaining Agreement (CBA). 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 a documented medical need exists. Typically, pregnancy leave, without extenuating medical circumstances, would begin when medically necessary 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.

An unpaid medical leave may occur when a member, out for a medically necessary disability, has exhausted all available paid leave days.¹ If the your allowable FMLA leave (see below) has not been exhausted for the 12-month period, the insurance premium paid by the district is the same as during paid medical leave.

An unpaid child care leave can occur when the medical leave has ended, by the physician, and the individual elects to extend the leave for the purpose of child care. As FMLA is non-applicable in this scenario, if you elect to continue coverage during the unpaid child care leave you will be responsible for 100% of the health insurance premium.

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 12-month rolling period (not related to school or calendar year). This 12-week period includes all paid leave time. For example, if your physician 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, including summer, do not count as part of the 12 weeks of FMLA Leave.

You are not eligible to participate in New York State Paid Family Leave.

Questions and Answers

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

There is not a set number of days for a medical leave prior to and following a birth. This is dependent upon the medical needs of the individual and those of their child. Typically, your physician certifies in writing that you are unable to perform the essential duties of your job, establishing the start of your medical leave. Your physician will need to certify in writing that you are then able to perform the essential duties of your job, establishing the end of your medical leave. Typically, this is 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, pregnancy related, disability period?

Yes. You may use your Personal Illness, Prolonged Illness, and Sick Leave Bank (if enrolled, applied for and approved) time for this purpose. As long as you have enough days to cover this absence, you will be paid for the period of time your physician certifies that you are to remain out of work. If all available illness days are exhausted, the remainder of time will be an unpaid leave. You may be eligible for disability benefits during this unpaid period of time. Health insurance is continued for the 12 weeks provided by FMLA.

3) How do I apply for child care leave?

Included in this document is a sample letter with blanks where information can be placed to complete the text. Submit this to the Human Resources Office at least 90 days in advance of the first day of the anticipated leave. Your signature is required on this document. You should receive a written confirmation within two school weeks

4) What are my obligations regarding notification to 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. A Social Security number is not required to initiate this process.

You must request the appropriate forms from the Payroll/Benefits Office to be completed and returned.

You will receive a confirmation of your enrollment form from the insurance provider noting the addition and/or changes to the insurance plans. Some insurance companies will issue new cards.

**5) Can I cancel my health insurance plan at the end of the FMLA 12-week period?
If so, can I enroll again when I return to work?**

You can cancel your health insurance at any given time.

Returning to work following an unpaid leave is considered a qualifying event, qualifying you to enroll. Contact the payroll office prior to your return to initiate this enrollment.

6) If desired, 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 so the decision would be made by that employer.

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 January of each year.

b) Within 30 days 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 and contact the Payroll/Benefits Department ahead of time! This really needs to be investigated prior to the change in family structure. We suggest that you contact the Payroll/Benefits Department for the current health insurance comparisons and rates.

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

Prior to the beginning of the leave contact the Payroll/Benefits Department to discuss the amount of your expected premium obligation and billing options.

If the choice of health insurance plans affects the amount of premium that you are 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 physician indicates that you are unable/able 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 physician says that you are medically unable to work. 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 in August, you would be entitled to use your Personal Illness, Prolonged Illness and Sick Leave Bank time to receive some paid leave in September, as your disability period would still be continuing. FMLA provisions would be initiated at the start of the school year.

10) Can an employee whose spouse or domestic partner gave birth take unpaid child care leave?

Yes, both or either parent may take up to 12 weeks of unpaid leave for the birth or adoption of a child. Leave must be used within one year of the child's birth or placement.

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

An unpaid leave outside of FMLA leave extends the probationary period by an equivalent time.

Paid leave does not alter the length of the probationary period.

12) Does unpaid leave affect seniority?

Seniority does not accrue while on unpaid leave outside of FMLA leave.

Seniority does accrue in a normal manner while on paid leave and/or FMLA leave.

13) Does unpaid leave affect my position?

Possibly. A position vacated for a leave extending more than 1 calendar year is posted using our typical processes. You may post to the position during the regular posting window for your unit as detailed in the PDTA Contract/CBA.

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

Each member 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 unpaid child care leaves shall be granted consecutively.

15) Will I be allowed to enroll in Professional Development over the summer if I was on leave the previous year?

If you are medically cleared and appropriate paperwork has been provided to HR, you are allowed to enroll in summer PD.

Checklist

Read information in this document carefully. If prior to or during a leave, you wish to discuss questions or have a unique situation, please make an appointment with Human Resources and/or contact the PDTA President.

- Make health insurance decisions. If needed, request the current comparisons in coverage and rates from the Payroll/Benefits Department as early as possible. Prior to the beginning of the leave contact the Payroll/Benefits Department to discuss the amount of your expected premium obligation and billing options.
- If applicable, check the requirements, coverage and financial costs with your spouse's/domestic partner's employer prior to the birth of your baby if you are considering a change to your spouse's/domestic partner's insurance.
- Attain any necessary enrollment forms for health insurance as well as dental insurance from the Payroll/Benefits Office.
- Complete the attached letter, filling in the (blanks) stating your intentions. **Your signature is required.** Mail or scan/email copies to your building principal, Pittsford District Teachers Association President and Human Resources at least 90 days prior to the planned leave.
- If you are a member of the PDTA Sick Leave Bank, submit the *Sick Leave Request Form*, found on the PDTA website, as you approach having no more than 10 Personal and Family Illness Days available and require additional medically excused days.
- Contact the building principal and Human Resources if a medically unexpected leave occurs related to your pregnancy. You will need to submit a letter to Human Resources from your physician stating that you are not able to perform the duties related to your position as soon as practical but not more than 5-days.
- Call Human Resources Office to report your child's name, date of birth, gender, and pediatrician's name. Request this information be shared with Payroll/Benefits if you are enrolled in the district's insurance.
- Verify you receive a copy of your enrollment form(s) from the Payroll and Benefits Office verifying the changes to your insurance coverage.
- Obtain a note from your physician indicating that you are able to return to work and are capable of performing all duties related to your position.
- Review the current contract and the information found within this document for details on absences and leaves if you wish to extend your leave.
- All professional staff should verify you have met all contractual obligations for Professional Learning. The required 12-hours are pro-rated based on length of leave.
- Communicate with your building principal to determine timeline for reacquisition of district technology and School ID.

(SAMPLE LETTER)

(Date)

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

Dear Mr. Leone,

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 physician's documentation.

<Optional>

<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.

Sincerely,

(Signature)

(Full name)

c: (Principal)
Pittsford District Teachers Association President