

TAMALPAIS UNION HIGH SCHOOL DISTRICT
Human Resources

HOORAY, I'M PREGNANT! WHAT ABOUT MY JOB?

*A Guide to Rights and Options
for Classified Employees*

The purpose of this document is to answer the most frequently asked questions relating to maternity and childrearing matters. While great care has been taken in preparing this document, nothing stated here shall supersede or prevail over what is written in the Agreement between CSEA and the District. Classified employees are encouraged to use this document in conjunction with a careful reading of the Agreement. In all cases, the actual contract language will govern.

This document may be updated periodically by the Assistant Superintendent – Human Resources. Definitions for italicized terms can be found in the glossary at the end of this guide.

FREQUENTLY-ASKED QUESTIONS

1. What do I do first?

The first thing to do is decide if you intend to keep working after the baby's birth. If so, you will want to request a maternity leave and will need to provide written notification to the District of the date when the maternity leave is to commence. Also please note whether or not you plan to use sick leave, vacation days and/or compensatory time (with mutual agreement of your supervisor) during the period of maternity disability (typically, up to four weeks before the due date and six to eight weeks after the birth).

Next, provide the District with a doctor's verification of the necessity for the leave and when the *maternity disability leave* is to begin.

2. How does maternity leave work?

Maternity leave was designed for job protection; it is not for periods of rest prior to or following childbirth or for child care. State law provides that pregnancy, childbirth and related medical conditions are to be treated as any other illness or temporary disability. Therefore, maternity leave provides for time to be away from the job during the employee's period of disability (typically, up to four weeks before the due date and six to eight weeks after the birth).

3. Is maternity leave paid leave?

Maternity leave itself is an unpaid leave, but you may choose to use any accrued *sick leave*, vacation days and/or compensatory time (with mutual agreement of your supervisor) for the period of the disability, just as you can for any other illness.

4. What if I don't have much sick leave?

If you run out of sick leave before your period of disability ends, you will automatically be paid *differential pay* (that is, the difference between your salary and the cost of the substitute) for the remainder of your maternity disability leave.

5. What if I don't have much sick leave and I want to save some for later in case the baby should become ill? Can I go on differential pay instead of using sick leave?

No. All sick leave must be exhausted before you can avail yourself of differential pay. However, you can always choose not to use sick leave at all and receive no pay. In that case, you will not receive differential pay either.

6. Should I have disability insurance?

All CSEA classified employees (but not confidential employees) have mandatory *disability insurance* through American Fidelity. Disability insurance can only be used after all sick leave has been exhausted, and there is a 30-day waiting period from the beginning of the disability. To file a disability claim with American Fidelity, call (800) 323-3748.

7. I know I'm going to want to stay home with the baby longer than six weeks. How can I do this and keep my job?

Your maternity disability period formally ends on the date that your doctor indicates you are able to return to work (*return-to-work date*). This is verified by the doctor's return-to-work notice which must be submitted to the District's Human Resources office.

After your period of disability is over and, therefore, your maternity leave ends (typically, six to eight weeks after the birth), you may request unpaid *parental leave* (Article V, Section E.3-p.9).

Although a parental leave is unpaid, if the unit member had been employed full time with the District for twelve months prior to the request for parental leave, medical benefits continue for four (4) months under *Family Care & Medical Leave* provisions.

8. My baby is due during the summer. Can I take maternity leave starting the first day of school?

Only if you are still within your maternity disability period. If the baby is born in late June or early July, it is likely that the period of maternity disability will be over before the school year begins. With a late July or early August birth, the unit member is likely to still be within the maternity disability time period. In either case, the four (4) months of Family Care & Medical Leave benefit coverage may be requested when the new school year begins, if the employee is eligible for such leave.

9. Can I get paid during childrearing leave? What about health benefits?

Parental leave is unpaid leave. No sick leave or differential pay applies to parental leave. Health benefits are in effect only for the four months of Family Care & Medical Leave (if the employee is eligible). When District-paid benefits end, the employee has the option of continuing health benefits under COBRA provisions at the employee's own expense.

10. I'm actually planning to adopt. Do I get maternity leave?

No, maternity leave is not available to you, because you would not be temporarily disabled and unable to work. However, the provisions of the Family Care & Medical Leave, and the parental leave provisions in the CSEA contract do apply to you. Also, the provisions in Article V, Section E.4. – *Adoption* (p.17-18) apply to you.

11. What is the maximum length of time I can request a childrearing leave and still be guaranteed my job?

Permanent employees may request an unpaid parental leave of up to one year in length. The employee must notify the District at least ten workdays prior to the beginning of the unpaid leave. Employees on parental leave are returned to the same classification and, where possible, to the same position held before the leave was granted.

Refer to the CSEA contract, Article V, for actual contract language.

GLOSSARY

differential pay – the difference between the employee’s regular pay and the amount paid to a substitute. During the maternity disability period, if the employee exhausts all sick leave, the employee will receive differential pay. Differential pay ends at the employee’s return-to-work date.

disability insurance – insurance that provides a portion of the employee’s pay for the period of time the employee is unable to work due to extended illness or disability.

Family Care & Medical Leave (FCML) – up to four (4) months of unpaid leave for eligible employees to care for a child after birth or adoption; up to twelve (12) weeks of unpaid leave to care for one’s self, spouse or child with a serious illness. Health benefits continue during FCML. Employees are eligible for FCML if they’ve been employed with the District full time for at least one continuous year.

maternity disability leave – the length of time that a pregnant woman is unable to work because of her pregnancy, documented by a physician’s verification. Typically, a physician may authorize up to four weeks of maternity disability prior to the birth. After the birth, the disability period is usually six weeks for a normal birth (eight weeks for a Caesarian birth). A physician may authorize additional disability time in the case of complications.

parental leave – leave without pay after the maternity disability period is over in order to care for the child. Sick leave may not be used during parental leave.

return-to-work date – the date when the maternity disability is over and the employee is physically able to return to work, based on the doctor’s verification.

sick leave – accumulated paid time for illness. Sick leave may be used during the maternity disability period up to the return-to-work date. Sick leave may not be used during unpaid parental leave.

We know that this is an exciting time in your life. It is our intention to make the maternity disability leave and parental leave options clear so that you will be able to make the best decisions possible for your own situation. If you have any additional questions, please contact the Assistant Superintendent – Human Resources for the Tamalpais District at (415) 945-3723.