

Maternity Leave and Family Medical Leave Act (FMLA)

I just learned that I'm pregnant, but I don't want to share the news just yet. What do I do?

Request a meeting with the Assistant Superintendent for Human Resources to review your leave possibilities.

How much time can I take off?

Family and Medical Leave, or FMLA, is a federal job protection law that was passed in 1993. It allows eligible employees to take up to 12 weeks of unpaid job protected leave in a 12-month period to manage qualifying personal or family situations. The birth or adoption of a child is a qualifying reason for taking FMLA leave.

How will I know if I'm eligible for FMLA?

You are eligible for FMLA if you are full-time and have worked for Manhasset School District for a total of 12 or more months. The law also includes the stipulation that an eligible employee must have worked 1,250 hours in the 12-month period immediately preceding the leave to be eligible.

When can I return to work?

- You can return to work at the end of the six- or eight-week pregnancy disability leave; or
- You can return to work any time between the end of the pregnancy disability leave and the end of the 12-week FMLA leave; or
- You can return to work at the end of the 12-week FMLA leave; or
- Between the end of FMLA leave and the maximum allowable two-year unpaid maternity leave

What happens to my insurance while I am on leave?

While on **paid leave**, your insurance will continue, and premiums will be deducted from your paychecks.

FMLA provides eligible employees with the right to continue health benefits at the current contribution level while on FMLA leave. After you have been paid all accrued sick leave, you will be placed on unpaid leave. **While on unpaid FMLA leave, you can continue to pay premiums at your current contribution level.**

If your leave extends past the 12-week FMLA period, you can continue health coverage by paying the premium cost.

If I continue my health insurance coverage while on leave, can I add my baby when he/she is born?

Yes, you can add your baby as of his/her date of birth. You must submit information within 30 days of the birth date. If adding your baby to your coverage changes your insurance family status from individual to two-person, or from two-person to family, your insurance premiums will also change. Contact Cathy Word in the Health Benefits Office for the rates.

Does my child need a Social Security number to be added to the health insurance?

Yes, you do need to request a Social Security number for your child soon after his/her birth. If you do not have the number within 30 days of birth, you can still add the child to your insurance – just send us that number as soon as you receive it.

Can I collect NYS short term disability payments while I'm on unpaid leave?

Educational institutions are not required to participate in the NYS short term disability plan.

How will taking time off affect my seniority?

Seniority is based upon the actual length of **paid** service in a specific tenure area.

Will I still move up a step on the salary schedule if I take a leave?

Upon return to regular employment in the School District, the unit member shall be placed upon the salary schedule based on the step the unit member was on at the time the leave was taken. If the employee's leave of absence without pay exceeds 20 days, the employee will not move Step in the following September.

Paternity Leave My wife is having a baby and I want to take some time off after the baby is born. Is that possible?

Yes, as the father, you may take FMLA leave and paternity leave. Requests for paternity leave are made in the same manner as requests for maternity leave. See the first two questions for details and information on how to find the request form.

Will my time off be designated as FMLA?

Yes, if you meet the eligibility requirements, up to 12-weeks will be designated as FMLA. This will allow you to continue health and dental insurance at the current contribution rate during your FMLA leave. FMLA leave will run concurrently with paternity leave.

Can I use sick leave during my FMLA and paternity leave?

Paternity leave is unpaid. Sick leave is used for absences due to personal physical and/or mental disability. Absence due to paternity leave does not meet this definition. However, if you are needed to take care of your wife immediately after she has given birth, it may be possible to use family sick leave.

How will my salary be pro-rated if I go off payroll?

In the Matter of Swaim (9 Ed. Dept. Rep., 23), the Commissioner of Education interpreted section 3101 of the Education Law to establish an equitable method of computing teachers' salaries to reflect the fact that some months have more than 20 working days and some have fewer. The method of computation is as follows:

"A teacher who does not perform all of the services required of teachers during a month should be reimbursed as follows: if the teacher provides service for half or less of the working days in the month, he should be reimbursed at the rate of one two-hundredth of this annual salary for each day he works. Similarly, if a teacher works more than half of the required working days in a given month but is absent without authority for the remainder of such working days, a deduction of one two-hundredth of his annual salary should be made for each of the days of unauthorized absence."

Additional Information

NYSED Prorate Teachers' Salaries:

<https://www.p12.nysed.gov/mgtserv/budgeting/prorate.html>

Prorate Teachers' Salaries – NYSED Swaim Calculations

<https://www.osc.ny.gov/state-agencies/payroll/teacher-days-worked-calculator>