



**WHAT YOU NEED
TO KNOW ABOUT**

**Pregnancy
and
Childcare Leave**

A Resource for PDTA Members

Revised August 2024

The purpose of this document is to respond to some of the most frequently asked questions about pregnancy disability and childcare leave. Acknowledging the fact that no two leaves are the same, hopefully this document will provide some helpful information as you prepare for your leave. Additional information can be found in your PDTA Contract/Collective Bargaining Agreement (CBA). We also encourage you to connect with your PDTA Medical Leave Advocates (the PDTA President and the PDTA Resolution Specialist). You can also seek information from the Human Resources Office by calling extension 1008.

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

Medically Documented Leave: Personal Sick Days, Prolonged Illness days and Sick Leave Bank days, as applicable, are applied during a paid leave. These paid days can be used when a documented medical need exists. Pregnancy leave would begin when medically necessary prior to the expected birth and typically, without extenuating medical circumstances, extend six weeks after the birth (eight weeks for Caesarean delivery). You must have a doctor's note to initiate and end a leave of this nature. An unpaid medical leave may occur when a member, out of work for a medically documented absence, has exhausted all available paid leave days. Please note, FMLA starts immediately and runs concurrent to usage of any available paid days. If 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. If necessary, Contract 4-1-9, 30-1-9, 50-1-9 provide continued health insurance benefits after expiration of paid sick leave for periods of time based on length of service in the unit.

Childcare Leave (see Contract section 3-4, 29-4, 49-4)

FMLA Paid or Unpaid: Only Personal Illness days can be applied during this time period. Childcare Leave begins when you are medically released to return to work with a medical note and can end up to 12-weeks from the beginning of your medically documented absence. If you exhaust your personal illness days before your 12-week period is over, you may remain on FMLA Childcare leave, but would no longer be paid (unpaid leave). At that point, if you choose to continue to participate in a District health insurance option, you should be contacted by payroll with payment information for the contractually defined portion of your premium. Since medical documentation was provided to the district following the medically documented portion of your leave, a note is not required to return from an extended childcare leave.

Requested Unpaid: An unpaid leave can be requested of the district, as soon as possible but not less than 90 days prior to commencement, for the time after the 12-week FMLA period is exhausted. You must follow all contractual protocols (see Contract section 3-4, 29-4, 49-4). The return from any such leave shall be at the start of the second semester of the first year or beginning of the following school year. If you choose to continue to participate in a District health insurance option, you will be responsible for 100% of the premium. Since medical documentation was provided to the district following the medically documented portion of your leave, a note is not required to return from an extended childcare leave.

The Family Medical Leave Act (FMLA)

This Federal law covers all employees who meet certain criteria (a minimum number of hours worked the previous year, for example). If you qualify, you are allowed up to 12 weeks of leave time per 12-month rolling period. This 12-week period is initiated on the first day of the prolonged absence and runs concurrent to all paid sick time if available. Under this law, you continue to accrue time towards tenure and seniority as if you were not on leave. In addition, the district will continue paying their contractually defined portion of your health and dental insurance premium. Vacation weeks, including summer, do not count as part of the 12 weeks of FMLA Leave. If you do not qualify for FMLA, you would still take a Medically Documented Leave per your doctor's recommendation but would be required to return to work when your doctor deems you medically able to do so.

The district does not 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 documented leave 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. Health insurance is continued for the 12 weeks provided by FMLA.

3) May I use my Personal Illness, Prolonged Illness and Sick Leave Bank time during any remaining FMLA Leave time following the medically documented leave period?

You may only use any remaining Personal Illness days during this time – Prolonged Illness and Sick Leave Bank days are not applicable. If all available Personal Illness days are exhausted, the remainder of time will be an unpaid leave. Health insurance is continued for the 12 weeks provided by FMLA.

4) May I use my Personal Illness, Prolonged Illness and Sick Leave Bank time during my requested childcare leave following the medically documented leave period when FMLA is exhausted?

Personal Illness, Prolonged Illness, and Sick Leave Bank days are not applicable during this time.

5) How do I apply for childcare leave?

Included in this document is a sample letter with blanks where information can be inserted 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.

6) 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 carrier and dental insurance carrier 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.
- You are required to submit a note from your physician as soon as you are eligible to return to work (even if you are not returning), typically 6-8 weeks after delivery, indicating that you are cleared to return to work and are capable of performing all duties related to your position. This documentation is required to transition you from medical leave to the childcare portion of your leave, reducing the likelihood of errors in processing your absence.

7) 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, in which you were not for PCSD eligible for coverage, may be considered a qualifying event, qualifying you to enroll. Contact the payroll office prior to your return to assess your status and initiate this enrollment.

8) 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.

9) When can I change District health insurance plans?

Either during the open enrollment period in January of each year or 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.

10) 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.

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

Summer does not count for FMLA time. FMLA provisions would be initiated at the start of the school year or when school is in session.

12) Does unpaid leave affect:

- **Seniority** - Seniority does accrue in a normal manner while on paid or unpaid FMLA leave. Seniority does not accrue while on unpaid leave after FMLA is exhausted.
- **Length of probationary period** - Any leave not covered by FMLA extends the probationary period by an equivalent time. Paid or unpaid FMLA leave does not alter the length of the probationary period.
- **Rights to my position** - A position vacated for a leave extending more than 1 school year may be 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.
- **Retirement** – Unpaid leaves not covered by FMLA may impact retirement/pension. You are encouraged to discuss these scenarios with NYSTRS or NYSERS,

13) What are the guidelines for return from leave?

You may return:

- When medically cleared to return to work, or
- Anytime during, or at the end of, the 12-week FMLA period, or
- Members on requested unpaid childcare leave may return at the start of the second semester of the first year of childcare leave or at the beginning of a school year.

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

The required 12-hours of Professional Learning or certificated staff will be pro-rated based on length of leave in that school year. Verify you have met all contractual obligations by the contractual deadline. You may enroll in future PL offerings but are prohibited from attending while on medical excused absence and/or FMLA. You may attend summer offerings up to the contractual obligation if you have been medically cleared and have stated your intent to return to work at the beginning of the following school year.

Checklist

Read information in this document carefully.

Prior to the Leave:

- If you believe you have a unique situation, please make an appointment with Human Resources and/or contact a PDTA Resolution Specialist/Medical Leave Advocate.
- 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.
- Required Documentation:
 - 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.
 - Provide a medical note detailing "on or about" expected date of initiation of medical leave.

During the Leave:

- ❑ Contact your Building Principal and Human Resources if the medical portion of your leave is required sooner than expected related to your pregnancy. You will need to submit a revised physician's note to Human Resources as soon as practical, but not more than 5-days following the start of the leave.
- ❑ Call or email the Human Resources Office to report your child's name and date of birth.
- ❑ Verify you receive a copy of your enrollment form(s) from the Payroll and Benefits Office confirming the changes to your insurance coverage.
- ❑ 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 10 remaining Personal and Family Illness Days available and require additional medically excused days.
- ❑ You are required to submit a note from your physician as soon as you are eligible to return to work (even if you are not returning), typically 6-8 weeks after delivery, indicating that you are cleared to return to work and are capable of performing all duties related to your position. This documentation is required to transition you from medical leave to the childcare portion of your leave, reducing the likelihood of errors in processing your absence.
- ❑ Review the current contract and the information found within this document for details on absences and leaves if you wish to extend your leave.

Following the Leave:

- ❑ Communicate with your Building Principal to determine timeline for reacquisition of district device(s) and School ID.

(SAMPLE LETTER)

Mr. Shawn Clark
Assistant Superintendent for Human Resources
Pittsford Central Schools
75 Barker Road - East Offices
Pittsford, NY 14534

(Date)

Dear Mr. Clark,

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 due date). I intend to make use of my Personal Illness, Prolonged Illness, and Sick Leave Bank time subject to my doctor's documentation.

If you would like to take full FMLA leave (12 weeks) and maximize use of sick days:

I further request a paid childcare leave of absence to commence immediately following my disability leave of absence according to PDTA Contract 3-4 (Certificated), 29-4 (Para), 49-4 (Aux) using my accrued sick leave for the remaining FMLA time to end on or about (DATE: 12 weeks from expected due date)

If you would like to take full FMLA leave (12 weeks) and preserve some sick days:

I further request a paid childcare leave of absence to commence immediately following my disability leave of absence according to PDTA Contract 3-4 (Certificated), 29-4 (Para), 49-4 (Aux), using my accrued sick leave for the remaining FMLA time until (# of days you want to preserve) remain. I then request an unpaid leave of absence to end on or about (12 weeks from expected due date).

If you would like to take an unpaid leave following the FMLA leave:

I further request an unpaid childcare leave of absence to commence immediately following my FMLA absence and to end (CHOOSE ONE: at the end of the 1st semester; at the end of the school year).

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.

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

Sincerely,
(Signature)

c. (principal)
Dwayne Cerbone, President PDTA