



MATERNITY, PATERNITY & CHILD CARE LEAVES

Employee Guide for Births & Adoptions
Certificated Staff



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This document is a guide for employees expecting or adopting a child. If there is any discrepancy between this document and the collective bargaining agreement, the collective bargaining agreement supersedes.

DISABILITY LEAVE

The following leaves apply to the birth parent for the time frame in which the physician has deemed her disabled.

- Birth of Child
- Sick Leave
- Five Month Law
- Catastrophic Leave
- Type C Leave
- Family Medical Leave Act
- Pregnancy Disability Leave

Birth of Child:

Under the Collective Bargaining agreements, employees get one day of paid leave for the birth of a child. If the birth is on a weekend, then the employee may charge the next work day to this leave.

Five Month Law:

Five Month Law is a disability benefit for the birth parent *only*. The employee will first utilize accrued sick leave (including the advance through June 30th) for maternity reasons, but *only* for the period authorized by their physician. If the employee's sick leave is exhausted, the employee would be eligible for Five Month Law, provided they have submitted valid medical verification.

Medical Verification must meet the following criteria:

- *The diagnosis supporting the absence.*
- *The start and end dates of the absence.*
- *A physician's statement indicating the illness or injury that prohibits you from working.*
- *The date you can return to work.*
- *If there are any restrictions when you return to work. (e.g. no lifting over 25lbs)*
- *Signed legibly by a medical physician or designee.*

Five Month Law provides employees with pay for 50% of their reported hours. An employee is credited with 100 days of Other Sick Leave each fiscal year. The 100 days includes the employees accrued and advanced sick leave. Each day of Other Sick Leave shall be compensated at the rate of 50% of the employee's regular salary.

For example, if a ten month employee has 10 sick days of accrued leave as of July 1, the amount of leave the employee could use for the remainder of the fiscal year would be the

10 days accrued plus 10 days advanced, if the employee has more than six months of service. The employee would then have a total of 20 days of sick leave that will be included in the 100 days of Five Month Law/Other Sick Leave leaving 80 days of Five Month Law leave at 50% pay. If the employee has less than six months of service, the employee would be advanced five (5) days of sick leave.

Below are some examples of how the Employee Benefits Department calculates Five Month Law.

Scenario 1:

Hilda (full time instructor) has **no sick leave remaining effective June 30, 2017 due to an illness**. She wants to know how many additional days of paid leave are available in the new fiscal year.

Sick Leave	Five Month Law
0 hours (0 days)	Up to 100 days maximum
10 days advanced from the upcoming fiscal year	Computed Calculation:
	100 days (Five Month Law) – 10 days (sick leave) = 90 days available after sick leave is exhausted
Total Sick Leave Available: 10 days	Total Approved Five Month Law Paid Leave: 90 days

Scenario 2:

Hilda has **a balance of 24 hours of sick leave**. Based on her doctor's recommendations she will be off work for 6 months due to her illness, starting on July 1. She wants to know how much Five Month Law leave she will receive.

Sick Leave	Five Month Law
Accrued 24 hours/4 hours = 6 days	Up to 100 days maximum
6 days + 10 days advanced in the current fiscal year = 16 days	Computed Calculation:
	100 days (Five Month Law) – 16 days (sick leave) = 84 days available after sick leave is exhausted
Total Sick Leave Available: 16 days	Total Five Month Law Available: 84 days

Scenario 3:

Hilda has **1,200 hours of sick leave that will be exhausted on December 1, 2017**. She needs surgery due to injury and will be out of work for six (6) months. She would like to know how many additional days of paid leave are available.

Sick Leave	Five Month Law
600 hours/4 hour work day = 150 days	Up to 100 days maximum
Employee is <i>ineligible</i> to receive Five Month Law; sick leave exceeds 100 days maximum	

Employees utilizing Five Month Law may have the other 50% of their reported hours offset with Catastrophic Leave. If Catastrophic Leave is exhausted the employee may be eligible to use any Type C Leave they have banked. If Catastrophic Leave is exhausted and Type C Leave is not available, a loss of pay will be given for the 50% of reported hours not covered by Five Month Law.

Catastrophic Leave:

Regular employees, on Five Month Law, will have 30 calendar days Catastrophic Leave, to offset 5 Month Law. Adjunct/overload and summer assignments are not eligible for Catastrophic Leave.

Type C Leave:

Per the LRCFT contract, Type C Leaves of less than a full semester (Partial Type C Leave) may be used to supplement maternity/paternity leaves of absence:

“Type C Leave can be used to maintain full or partial paid status during the maternity/paternity leave period in the event the employee does not have sufficient sick leave to cover the absence during the period. Such use is available in the semester of the maternity/paternity leave and can also be used to maintain full or partial paid status for any workdays following the expiration of the maternity/paternity leave through December 31 for fall semester leaves and June 30 for spring semester leaves”
- LRCFT Contract, 11.7.2.1.1.

Example: A faculty member has a baby in October and the 6 weeks of medical leave (disability period) ends in early December. The faculty member would be eligible to use their banked Type C equivalent formula hours (EFH) for a Partial Type C Leave if they run out of paid leave in December. The Partial Type C Leave would conclude no later than December 31.

Partial Type C Leaves must take place within the semester in which the baby is born. If a faculty member has their baby in the summer or over the winter recess they would not be eligible to use Partial Type C Leave the semester following the birth of the child. Furthermore, use of Type C Leave cannot extend into the next semester. The only exception

is if the 6 or 8 week disability period required by the doctor ends after the following term begins. In this case the faculty member can begin a Partial Type C Leave after the disability period ends, assuming their sick leave is keeping them in full paid status. If use of Partial Type C Leave is required in the prior semester in order to maintain full pay status, the Partial Type C Leave cannot extend into the following semester.

To request a Partial Type C Leave for maternity/paternity purposes, the faculty member must complete an "Application for Type C Professional Development Leave" (Form P-145), select the box for "Maternity/Paternity", and submit it to their dean so that it may go through the campus approval process. Requests for a Partial Type C Leave do not need to be made prior to the start of the semester, given the uncertainty of the timing of the absence (e.g. – FMLA, exact birth date, etc.). When using a Partial Type C Leave, a faculty member does not need to have the minimum 15 equivalent formula hours (EFH) banked that are required for a regular Type C Leave; however, the EFH must have already been banked before the Partial Type C Leave may be used.

For additional questions regarding Type C leave, contact Human Resources at 568-3109.

Family Medical Leave Act (FMLA) & Pregnancy Disability Leave (PDL):

FMLA is a federal law that provides eligible employees an **unpaid leave** of up to 60 days (12 weeks) in a 12-month period for certain family and medical reasons. Employees are eligible if they have been employed at least 12 months and worked at least 1,250 hours. This leave is applied during the disability period only.

PDL is **unpaid** and valid while the employee is disabled by pregnancy, childbirth or a related medical condition. Employees are eligible for this leave the first day of employment. PDL does not need to be taken in one continuous period of time but can be taken on an as needed basis. An employee can receive a maximum of 16 weeks PDL.

These are all unpaid leaves, but they do have medical, dental and job protection.

FMLA and PDL are unpaid; therefore employees must use the leave in conjunction with the appropriate paid leaves (sick leave, personal necessity, Five Month Law, and vacation) in order to receive all or part of their regular salary.

FMLA and PDL begin with the first day the physician deems the employee disabled.

FMLA/PDL/CFRA/PLL LEAVE INTERACTIONS

Below are a few possible scenarios to demonstrate how the combination of FMLA, PDL, CFRA and Parental Leave would be coordinated.

Scenario 1:

Suzy works until her delivery date and has a normal delivery, without complications. Suzy's physician has released her from work for the standard 6 weeks. Suzy will return at the end of 6 weeks.

The following leaves are applicable: 6 weeks of the 16 week maximum PDL entitlement (her physician only authorized disability for 6 weeks) and 6 weeks of her maximum 12 week FMLA entitlement. She did not request any additional "bonding" time with the baby under CFRA or Parental Leave.

Weeks:

1	2	3	4	5	6	7	8	9	10	11	12
PDL											
FMLA											

Scenario 2:

Suzy works until her delivery date and has a normal delivery, without complications. Suzy's physician has released her from work for the standard 6 weeks. She has requested an additional leave of absence for 12 weeks for a total of 18 weeks.

The following leaves are applicable: 6 weeks of the 16 week maximum PDL entitlement (her physician only authorized disability for 6 weeks). She will use 12 weeks of her maximum 12 week FMLA entitlement and 12 weeks of her maximum 12 week CFRA and Parental Leave entitlement.

Weeks:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PDL						CFRA/PARENTAL LEAVE											
FMLA																	

Scenario 3:

Suzy is having a difficult pregnancy so her physician takes her off work 8 weeks prior to delivery. She has a cesarean delivery so her physician has released her from work for another 8 weeks. She has requested an additional leave of absence for 12 weeks for a total of 28 weeks.

The following leaves are applicable: 16 weeks of the 16 week maximum PDL. She will use 12 weeks of her maximum 12 week FMLA entitlement and 12 weeks of her maximum 12 week CFRA and Parental Leave entitlement.

Weeks:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25-28
PDL												CFRA/PARENTAL LEAVE												
FMLA																								

PATERNITY LEAVE & BABY BONDING

The following leaves apply to the birth parent (once the disability period has expired), the non-birth parent, and adoptions.

- Birth of Child
- Sick Leave
- Type C Leave
- California Family Rights Act
- Parental Leave Law

Birth of Child:

Under the Collective Bargaining agreements, employees get one day of paid leave for the birth of a child. This applies to the birth parent, the non-birth parent, and adoptions. If the birth is on a weekend, then the employee may charge the next work day as leave.

Sick Leave:

Employees may use up to 30 days of accrued sick leave during the baby bonding time (to care for a newborn or adoption of a child). For employees eligible to take 12 weeks of Parental Leave, the 30 days run concurrently.

California Family Rights Act (CFRA) & Parental Leave Law:

CFRA and Parental Leave apply to the birth parent, the non-birth parent, and adoptions.

CFRA is a state law that provides eligible employees an **unpaid leave** of up to 60 days (12 weeks) in a 12-month period for certain family and medical reasons. Employees are eligible if they have been employed at least 12 months and worked at least 1,250 hours. This leave gives job and benefit protection during the baby bonding time.

Parental Leave is a state law that provides eligible employees **paid leave** for the 12 weeks of baby bonding time. Employees are eligible if they have been employed for at least 12 months.

During the 12 weeks of Parental Leave, the employee must use all available and advanced sick leaves to receive pay. If the employee exhausts all available and advanced sick leaves, then the employee will still receive pay for 50% of their reported hours. Parental Leave may be used with Type C Leave, if available, for 100% pay (for more information on Type C Leave, see page 3).

CFRA and Parental Leave begin once the PDL expires. CFRA and Parental Leave may be taken immediately following the expiration of PDL or anytime within the first year the baby is born or adopted. If the employee elects to return to work and utilize these leaves at a later date, they must work with their supervisor to coordinate a mutually convenient time to take leave.

Unpaid Leave of Absence:

An employee could also opt for an unpaid leave which could be short-term (less than 5 months) or long-term (five months or more). However, depending on which option they choose, there could be an impact on their benefits.

For a short-term leave, the employee may not re-enroll in medical or dental insurance until an open enrollment period. Open enrollment takes place in the month of April/May of each year for the medical plans. The coverage will be effective July 1st^t.

For a long-term leave the employee may re-enroll into the dental and medical plan that they were previously enrolled in within 31 days of returning to work. Enrollment forms must be received in the Employee Benefits Department within 31 days of returning to work. Otherwise, the employee must wait until the next open enrollment period.

REQUIRED DOCUMENTATION

Absence Reports:

Absence reports will need to be completed for the duration of the leave. For the day of the birth, code the absence report with birth of child, "BOC" (if the baby is born on the weekend, then the employee may use the next workday for the birth of child). The absence report will be coded as sick leave "SKC" for the disability period. For the baby bonding/Parental Leave, the absence report will be coded as "PLL". The Employee Benefits Department will adjust the absence report for sick, Five Month Law, Parental Leave and any other applicable leaves as necessary.

Medical Verification:

Medical Verification (a note or form) from the physician is required. The Medical verification must include the dates or duration (i.e. 6 weeks post-partum, 8 weeks post-partum, or a return to work date) that the physician deems the employee is disabled. The medical verification must also include a diagnosis (i.e. maternity, pregnancy) if the employee will need to utilize Five Month Law. Copies of the medical verification, without diagnosis, should be provided to the employee's supervisor and the Employee Benefits Department.

P-111 (Pregnancy/Child Care Leave) Form:

For the birth of a child, adoption, or paternity leave, the employee needs to complete Form P-111 (Request for Pregnancy/Childbirth Leave of Absence) and submit it to their supervisor. This form may be downloaded from the Human Resources website at: <http://www.losrios.edu/hr/forms/RequestPregnancyChildCareAbsence-P111.pdf>.

The birth parent will fill out the "anticipated" disability dates based on the note from the physician. These dates may be adjusted based on the actual delivery date and circumstances of the birth. Employee Benefits will adjust the dates, if necessary, based on any additional medical notes received.

The birth parent will also complete the first box under "Child Care Leave", indicating the date they plan on returning to work.

In the cases of non-birth parent or adoption, only the second box under "Child Care Leave" is completed.

Request for Pregnancy / Child Care Leave of Absence

Name _____ Empl ID _____
Job Title _____ Dept _____

Location ARC CRC DO Ethan FLC FM SCC

I plan to use my sick leave entitlement to cover (or help cover) days of absence due to temporary disability relating to pregnancy / childbirth. The anticipated dates of temporary disability are

From _____ To _____

I am attaching a verification of this anticipated disability (including beginning and ending dates) signed by my attending physician. If the length of this temporary disability changes, I will provide additional verification to Employee benefits department as soon as possible.

I understand that if my sick leave entitlement (including other sick leave provided under Education Code Section 88196) is not sufficient to cover the absence due to pregnancy / childbirth disability, the District will use any other available paid leaves to cover those days of disability. If that is insufficient, I request that unpaid leave be used.

Child Care Leave

I am requesting additional child care leave immediately following the last day of temporary disability. I will return to work on _____. I understand that this additional leave will be unpaid once all available paid leaves have been exhausted.

or

I am requesting child care leave from _____ to _____. I understand that this leave will be unpaid once all available paid leaves have been exhausted.

Employee: By signing below, I agree that I have read the reverse side of this form. I understand and accept the effects this leave will have on my Los Rios benefits.

Signed _____ Date _____ Approved _____ Date _____
Employee Administrative Officer

DISTRICT EMPLOYEE BENEFITS OFFICE USE ONLY

- 1. Last day of full paid status: _____
- 2. Last day of partial paid status: _____

Comments

Verified by _____
Date _____

Revision # _____ Revision date _____

Disability dates for the birth parent



Date birth parent will return to work



Leave dates for Non birth parent or adoption



Insurance Enrollment:

******IMPORTANT!******

The new dependent must be enrolled in the District's medical or dental plan within 31 calendar days from the date of birth or adoption. Original enrollment forms must be received in the Employee Benefits Department by the deadline. Faxed or e-mailed copies will not be accepted. If the dependent is not enrolled within the 31 calendar days, then the next opportunity to enroll would be at open enrollment in April with coverage starting July 1.

Enrollment forms can be obtained from the Employee Benefits Website at:

<http://www.losrios.edu/business/activeforms.php>.

It may take longer than 31 days to obtain the child's Social Security Number, so submit all insurance forms and then call the Employee Benefits Department with the Social Security Number once received. The Employee Benefits Department will update the information with the appropriate insurance carriers.

EMPLOYEE BENEFITS DEPARTMENT POINTS OF CONTACT

Kris Kurk <i>Employee Benefits Technician</i>	 916-568-3060  kurkk@losrios.edu
Vickie Weaver-Owens <i>Employee Benefits Technician</i>	 916-568-3051  Weaverv@losrios.edu
Dawn Woltkamp <i>Employee Benefits Specialist</i>	 916-286-3623  Woltkad@losrios.edu
Nicole Keller <i>Employee Benefits Supervisor</i>	 916-568-3197  Kellern@losrios.edu
Socorro Molina <i>Administrative Assistant</i>	 916-568-3087  molinas@losrios.edu
Main Information Line	 916-568-3070
Fax Line	 916-286-3633
Website	http://losrios.edu/business/benefits.php