



MATERNITY, PATERNITY & CHILD CARE LEAVES

Employee Guide for Births & Adoptions
Managers & Classified 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
- Vacation
- 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 twelve month employee has 12 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 12 days accrued plus 12 days advanced, if the employee has more than six months of service. The employee would then have a total of 24 days of sick leave that will be included in the 100 days of Five Month Law/Other Sick Leave leaving 76 days of Five Month Law leave at 50% pay. If the employee has less than six months of service, the employee would be advanced six (6) days of sick leave.

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

Scenario 1:

Hilda is a 12 month employee and has **no sick leave remaining effective June 30**. She will be eligible for 88 days at 50% pay.

Sick Leave	Five Month Law
0 hours (0 days)	Up to 100 days maximum
12 days advanced from the upcoming fiscal year	Computed Calculation:
	100 days (Five Month Law) – 12 days (sick leave) = 88 days available after sick leave is exhausted
Total Sick Leave Available: 12 days	Total Approved Five Month Law Paid Leave: 88 days

If Hilda is a 10 month employee, she will be eligible for 90 days at 50% pay.

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 3 days of sick leave**, and is a 12 month employee. She wants to know how much Five Month Law leave she will receive.

Sick Leave	Five Month Law
Accrued 3 days	Up to 100 days maximum
3 days + 12 days advanced in the current fiscal year = 15 days	Computed Calculation:
	100 days (Five Month Law) – 15 days (sick leave) = 85 days available after sick leave is exhausted
Total Sick Leave Available: 15 days	Total Five Month Law Available: 85 days

Hilda has a **balance of 3 days of sick leave**, and is a 10 month employee.

Sick Leave	Five Month Law
Accrued 3 days	Up to 100 days maximum
3 days + 10 days advanced in the current fiscal year = 13 days	Computed Calculation:
	100 days (Five Month Law) – 13 days (sick leave) = 87 days available after sick leave is exhausted
Total Sick Leave Available: 13 days	Total Five Month Law Available: 87 days

Employees utilizing Five Month Law may have the other 50% of their reported hours offset with vacation. If the employee exhausts vacation and the employee donated to the Catastrophic Leave Program, they may apply for Catastrophic Leave pay to offset Five Month Law. If vacation is exhausted and Catastrophic Leave is not available, the employee will receive a loss of pay for the 50% of reported hours not covered by Five Month Law.

Catastrophic Leave:

Employees on Five Month Law, without sufficient vacation to offset, may be eligible for Catastrophic Leave. Eligible employees must have donated to the program during the three year cycle in which they are applying for the leave. Employees must have exhausted all vacation and be in less than 100% paid status.

The Catastrophic Leave application can be downloaded from the Employee Benefits website at: http://www.losrios.edu/business/forms/Cat_Leave_MGR_Class.pdf. The employee does

not need to have the physician complete the medical certification since a note will have already been provided to Employee Benefits.

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.

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
- Vacation
- 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 vacation, if available, for 100% pay.

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.

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																								

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