



WTA Guide
to
**Pregnancy,
Adoption, and
Child Care**



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Notice to the District

Notification of Pregnancy/Adoption

- Written notification is required to Assistant Superintendent for Human Resources. In the case of pregnancy, notification should be given by the end of the second trimester to ensure a smooth transition, thereby maximizing continuity for your students. In the case of adoption, thirty-day advance notice is required under FMLA when practicable. You may use the Notification of Pregnancy Form.
- Include a doctor's note specifying due date, if applicable.
- This note should include your preliminary plans—you will not be held to those plans if circumstances change.

FMLA Request Form/Certification of Health Care Provider

- FMLA requires thirty-day advance notice of the need to take FMLA when the need is foreseeable.
- FMLA paperwork will be sent to you upon receipt of your written notification.
- Employee completes Request for Family/Medical Leave form.
- Employee's doctor completes Certification of Health Care Provider.
- Both forms must be returned to the Benefits Desk in Human Resources.

Notification of Birth

- Employee notifies Human Resources (626-8051) of birth date and type of birth (normal or c-section) within five (5) days of birth. A doctor's note is required in the case of a c-section.
- Employee notifies the WTABT (633-6183) within 30 days of birth to add the newborn to insurance.

Sick Time

Can I use sick days for childbirth or pregnancy-related disabilities?

- Yes. If during your pregnancy a doctor determines you are disabled, you may use your sick days. You are required to provide a note from your doctor indicating the date you become disabled. This note must provide the specific reason and the date of incapacity and must be from the treating physician. The "industry standard" for a disability after childbirth is six (6) weeks for a regular delivery and eight (8) weeks for a caesarean section. If your doctor determines you are unable to work before your delivery date, you may use sick days. The six to eight week standard does not begin until the baby is born.

What if after childbirth I experience complications that require me to be out ten weeks or even longer? Can I still use sick days?

- You can continue to use sick days as long as your physician determines you are disabled, by providing the District with a note from your physician specifying the reason and length of disability. The District reserves the right to verify the necessity for extension of sick time before or after the birth through the District physician. You may be required to sign a HIPAA medical release.

If required, must I permit the District doctor to contact my doctor if I am going to be out longer than the 6-8 weeks?

- Only if you want to receive any paid leave beyond the standard 6 or 8 weeks.

What About My Privacy?

- Employees in the Human Resources department are bound by confidentiality rules.
- Your medical information is kept in a separate file, not in your personnel file.
- You are not obligated to share any medical documentation with people in your school office.

Am I eligible to use days from the WTA Sick Bank if I run out of sick days due to childbirth or pregnancy-related disability?

- You may be eligible to use days from the WTA Sick Bank. (Please contact members of the WTA Sick Bank Committee for details on your eligibility).
- Sick Bank Guidelines require taking five unpaid days prior to using Sick Bank days if approved.

When I adopt a newborn, can I use leave days?

- Yes, you may use leave days for up to six calendar weeks for an adoption.

As a regular sub, or temporary part-time teacher, how does my sick time apply?

- You are entitled to use your accumulated sick time as necessary for documented disability. However, if you choose not to return to work, you are effectively resigning from your annual appointment. Your sick time will be prorated accordingly for service of less than 10 months.

FMLA Time

What is FMLA?

- The Family Medical Leave Act (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. FMLA is designated by the employer, and runs concurrently with any paid leave to which you are entitled. Your health insurance continues during the leave. You are still required to make the same contributions you do when you are

working. You will receive a bill for the amount that would normally be deducted from your paychecks.

Can I Take a Leave Under FMLA?

- You are eligible if you have worked for WCSD for 12 months or for an entire school year AND you are a fulltime teacher, TA, counselor, school psychologist, therapist, or school nurse who has not been on an unpaid leave in the past 12 months OR You have worked 1250 hours during the 12 months prior to the start of your leave.
- You qualify for the birth of a child—within 12 months of birth, for purposes of caring for the child OR for adoption of a child—within 12 months of adoption, for purposes of caring for the child.

How Much Leave Can I Take?

- Up to 12 weeks within a 12 month period is allowed.
- Any calendar week counts unless included in a normally scheduled extended school break such as winter break, spring break, or summer. A week with one or two days off for a holiday still counts.
- If you and your spouse are both employed by the WCSD, you are entitled to a total of 12 weeks for a newborn or newly placed child.

When Does FMLA Commence?

- FMLA begins the day you are determined to be disabled due to pregnancy or birth, or in the case of adoption, with the placement of the child in the home. This includes any absence due to court appearances or travel to secure the placement of the child.

Can I Get Paid During an FMLA Leave?

- You can use your sick days if and only if you are medically unable to return to work. In the case of adoption, you may use leave days for up to six calendar weeks.

How long do my health benefits continue?

- The WTA Benefits Trust continues to contribute to your health and/or dental insurance through the end of the month in which your last paid day falls, or if eligible, until the day your FMLA leave expires, whichever is longer. You are responsible for your share of the premium. You may continue your benefits throughout your unpaid leave of absence by paying the full premium to the Trust. The Trust will notify you of your continuation rights. If you are on FMLA or paid leave at the end of a school year, your insurance continues through the summer.

What about Paid Family Leave?

- As a public employer, the District is exempt from the New York State Paid Family Leave Law.

Unpaid Time

Request for Child Care Leave

- Written request for unpaid child care leave must be received by the Assistant Superintendent for Human Resources thirty (30) school days before the leave is to commence. This request should include an anticipated return date.
- In the case of adoption, written request must be forwarded when the employee is notified of the effective date of adoption.

What is a child care leave?

- A child care leave as defined in the contract is an unpaid leave to care for an infant or an adopted child.

Who in our union is eligible to take a child care leave?

- All full time unit members, except for regular subs. Males and females are eligible, as are tenured and untenured employees.

Can I only take a child care leave for a newborn child?

- No. You may take a child care leave for a child up to 2 years of age.

Can I take a child care leave for the adoption of a child?

- Yes, as long as the child being adopted is of pre-school age.

What is the maximum amount of time that I may take for a child care leave?

- A member may take a child care leave for up to two (2) years. If the two year return date occurs after the beginning of the second semester and before the final day of instruction, the member will be given the option of returning to work at the start of the next school year, extending the leave by up to 5 months.

What can I do while on unpaid child care leave?

- If you are medically cleared to work, a member on child care leave may participate in a variety of district-offered opportunities. Where applicable, medical clearance and the member's formal application for the said activity must be received prior to the closing date of the posting.

When does the clock start running on a child care leave?

- Your child care leave commences the day your physician says you can return to work, yet you choose not to return to work. For instance, let's say that after the birth of your child, your doctor provides you with a note stating that you will not be able to work from September 1 to October 14. If you choose not to come back to work, your leave would commence on October 15.

When can a child care leave begin, after the birth of a child, or when I know I'm pregnant?

- You may choose to start your leave after the knowledge of your pregnancy or after the birth of your child.

If you are out on a child care leave and become pregnant, is a member eligible to take another two years for the second child?

- Yes. A member can take consecutive child care leaves. Two consecutive child care leaves cannot exceed 40 consecutive school months without being followed by a full ten month school year of active service (September through June or February through January).

When I can return?

- Typically, the return to work would take place at a natural break in the school year, such as a semester break or a trimester break when applicable. A return at a different time may be allowed on the recommendation of your building administrator and with the approval of the Assistant Superintendent for Human Resources if the return would ensure continuity in the classroom and minimal disruption for students.

What if I want to stay on leave longer?

- If you were planning to return mid-year and decide to extend your child care leave, you need to make that request three months before you are scheduled to return. For example, if you take a child care leave for a semester and decide you would like to remain on child care leave for the rest of the school year, you must notify the District by November 1st.

Notification of Extension of Child Care Leave or Notification of Intent to Return

- Members on leave who are scheduled to return September 1 must notify the district of their intent to return to work or extend their leave by March 1. For leaves scheduled to conclude at any other time, six-month notice is required.

Considerations:

- Any unpaid leave you take will affect your seniority.
- If you are probationary, any leave taken will affect the length of your probationary period.
- If you take a leave for childbearing or child care, you can apply for an extension if you are working toward your professional certification.

Coming Back to Work

Notification of Release to Return to Work

- Doctor's note specifying date the employee is released to return to work must be received by the Payroll Department prior to the expiration of the 6 or 8 week paid leave. This is necessary regardless of the employee's intention to take unpaid leave.
- If the 6 to 8 week paid leave is to be extended, the "*Authorization For Use or Disclosure of Protected Health Information. . .*" form may be requested by the District.

What if I am out on a child care leave and want to come back earlier yet it is not in September. Will the District let me come back?

- A unit member may return earlier than planned from a child care leave, however, this is at the discretion of the District. You will need to give at least three months' notice. Some members in the past have been allowed to return if it is no later than the semester break.

If I apply for a two year leave and decide to come back after one year, can I?

- The District will allow you to come back early provided you notify the District in writing by March 1 and your return is at the beginning of the year.

If I take extended unpaid leave, am I guaranteed to return to my building?

- If you are out on a child care leave for more than three years, then the District can only guarantee you a similar position in the district.

What happens if I am out on leave and the school board decides to cut positions? Am I still guaranteed a job when I come back from leave?

- Not in all cases. If you were low on the seniority list and positions were cut in your tenure area, then you could be laid off. You would be laid off because you were low in seniority, not because you were out on leave.

If I am out on child care leave for one year, will I still move along the salary schedule upon my return?

- It is important to note that in order for any employee to move to the next salary step, he or she must have worked at least five (5) months of the school year. So, in this case, a person who goes out on child care leave for one year will not move to the next salary step.

Sample Timeline for Pregnancy and Child Care Leave

Can use sick days and be paid	FMLA Time			Date doctor determines you are unable to continue working	September 10	November 5	December 12
				Date of birth	September 17	November 15	December 26
	FMLA time unpaid			Date doctor determines you are able to return to work (usually 6 or 8 weeks after date of birth)	October 29	December 27 (Would return January 2, which is the next work day)	February 6
			Unpaid time and responsible for paying for own health insurance	12 weeks (not including weeklong breaks) from the date you stopped working	December 3 (Thanksgiving week counts as a week)	February 6 (Week of winter break does not count)	March 22
				End of semester or school year	January 25 or June 26	June 26	June 26

WTA Member Notification of Pregnancy Form

Name: _____

Building: _____

I am pregnant. My anticipated due date is _____. I have attached a note from my doctor containing my due date.

Assuming there are no complications, my intention is to:

- Return to work when I am medically cleared (anticipated 6-8 weeks depending on type of birth.)
- Use FMLA time to take unpaid leave after I am medically cleared to return to work. I understand the FMLA time will begin when I stop working and continue for up to 12 weeks. My anticipated return date is approximately _____.
 - Once I am medically cleared to work, I would like to participate in the following activities while on FMLA leave (ex. coaching, professional development):

 - I do not wish to participate in any district activities while on leave.
- Take a child care leave after I am medically cleared to return to work. I will use sick days until I am medically cleared and FMLA time until the end of the 12 weeks. I will then take child care leave. I plan to return to work _____. (This date is usually the beginning of a semester or the beginning of a school year.)
 - Once I am medically cleared to work, I would like to participate in the following activities while on child care leave (ex. coaching, professional development):

 - I do not wish to participate in any district activities while on leave.
- I understand I am **not** eligible for FMLA, and I will take a child care leave after I am medically cleared to return to work. I will use sick days until I am medically cleared and then take unpaid child care leave. I plan to return to work _____. (This date is usually the beginning of a semester or the beginning of a school year.)
 - Once I am medically cleared to work, I would like to participate in the following activities while on child care leave (ex. coaching, professional development):

 - I do not wish to participate in any district activities while on leave.

Signature: _____ Date: _____