

MEMORANDUM

TO: All Faculty

FROM: Carleen Pierce, Director of Human Resources
Cheryl Birx, CTA President

RE: Child Rearing Leave

FILE: Child Rearing Leave.doc (Revised 12/06)

The purpose of this document is to respond to some of the most frequently asked questions about child rearing and disability leaves. Acknowledging the fact that no two leaves are the same, we hope that this document will provide helpful information to you while you prepare for your leave. Additional information can be found in your association's bargaining agreement with the district. As always, you can seek information from the Human Resources department by calling extension 3730.

All district employees, both men and women, are eligible for an unpaid child rearing leave upon the birth, adoption, or placement of a foster child. In addition, women who give birth while in the active employment of the district are eligible for leave under the same conditions that apply to any other disability.

First we would like to take a moment to outline three types of leaves that will be discussed throughout the document.

Disability Leave – Accumulated sick days are applied during a disability leave. Disability leaves begin when a medical problem arises that would not allow the employee to continue their work at school. While on disability, the employee will continue the same amount of contribution towards health insurance. The Family Medical Leave act begins at the time of the employee's departure from work.

Paid Leave – Current and accumulated sick days are applied during a paid leave. They can be used when there exists a medical need. For the typical disability leave related to child birth, this would be up to one/two weeks prior to the expected birth then six weeks after the birth. While on paid leave, prior to the birth of the baby, the employee will continue the same amount of contribution towards health insurance. Once the baby is born and the employee chooses to continue using one of the districts health insurance programs, the health insurance contribution may increase depending on the program selected.

Unpaid Leave – Accumulated sick days cannot be applied during this time period. If the employee has chosen to continue use of a district health insurance option, they will be contacted by payroll with payment information.

Question 1: How many days does the district allow prior to the birth and after the birth of a child?

A: The amount of leave permitted prior to and after a birth is dependent on medical necessity. If your doctor certifies in writing that you are unable to perform the essential duties of your job, then that defines the length of the leave. The tradition has been up to one or two weeks of disability before the expected birth and six weeks after the birth (eight weeks in the case of a Cesarean birth).

Question 2: May I use my current and accumulated sick time during a medically necessary disability period?

A: Yes. You may use your current and accumulated sick time for this purpose. As long as you have enough days to cover this period, you will be paid for the period of time your doctor recommends that you remain out of work. Health insurance is also continued during this time period.

Question 3: How do I apply for a child rearing leave?

A: Attached to this document is a sample letter with blanks where information can be placed to complete the text. Submit this to the Human Resources Department 90 days in advance of the first day of the anticipated leave.

If your decision to extend your child rearing leave impacts the following school year, submit your letter of request to the building principal, Canandaigua Teachers' Association President, Director of Human Resources, Department Supervisor, and the Superintendent by June 1. In anticipation of possible recruiting difficulties, it would be greatly appreciated to make this request by May 1.

Question 4: What is the FMLA and how does it affect me?

A: The Family Medical Leave Act (FMLA) covers all employees who meet certain criteria (a minimum number of hours worked the previous year, for example). If you qualify, you are allowed twelve weeks of unpaid leave time per year. This twelve week period includes all paid sick time. For example, if your doctor recommends that you leave work two weeks before your baby is due and then recommends that you remain out of work for six weeks following delivery, you will have then been out a total of eight weeks. Assuming that you have enough current and accumulated sick leave, you will be paid for that entire period. You then have 4 weeks of unpaid FMLA leave remaining.

During FMLA leave, you are entitled to the same benefit level of district paid health and dental insurance premiums. In other words, your financial obligation for premiums, if any, is the same as when you are working. The twelve weeks of leave are counted from your first day of disability and will be consecutive in nature. Holidays and vacation periods are included in this twelve-week time frame. Current or accumulated sick days, however, will only be deducted for work days.

Question 5: What are my obligations regarding notification of the HR office and the health insurance companies after the birth of my baby?

A: As soon as you are able, please notify the Human Resource Office with the birth date of your child and any information that may affect your leave. Both health insurance carriers and dental insurance carriers require notification of the birth. You need to request the appropriate forms from the Human Resource Office to be completed and returned.

You will receive a confirmation of your enrollment form noting the addition and/or changes to the insurance plans. Some of the insurance companies will issue new insurance cards.

Question 6: Can a teacher cancel health insurance plan at the end of the FMLA twelve week period?

A: Yes. You can cancel your health insurance at any given time.

Question 7: When can a teacher switch over to a spouse's health insurance plan?

A: You will need to check with your spouse's insurance carrier. Individual insurance companies have rules about when a person can enter a program. 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.

Question 8: When can a teacher change District health insurance plans?

A: (1) During the open enrollment period in May of each year. (2) At the time 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 ahead of time! This really needs to be investigated prior to the change in family structure. We suggest that you call the Human Resources Department and ask for the current health insurance comparisons and rates.

Question 9: How do I pay insurance premiums while on leave?

A: At the beginning of the leave, you will be informed of the amount of the monthly obligation. It then becomes your responsibility to send a check, by the first of each month, payable to the "Canandaigua City School District". If your leave of absence continues after the rates change, you will be informed of the new payment. Proof of these payments, which are not pre-taxed while on unpaid leave, can be submitted to the Health Reimbursement Account for

reimbursement if you have funds available. Adjustments are made to cover partial months and any special circumstances.

If the choice of health insurance plans effects the amount of premium that the employee is 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. Shortly after the birth or adoption, you will receive a summary from Human Resources describing your pay and health insurance obligations.

Question 10: If the birth takes place in the summer or during a non-school attendance period, when does the leave begin?

A: The period of disability begins and ends when your doctor indicates that you are unable to work. The leave for a disability during which you may use your current or accumulated sick days is confined to the period of time your doctor says that you are medically unable to work (usually 6 weeks following the birth of your child). It does not matter whether school is in session for all or a part of that time. For example, if your baby were born on July 1, you would receive no paid time for a disability period because your entire disability period would take place outside the school year. If, on the other hand, your baby was born the third week in August, you would be entitled to use current and accrued sick time to realize some paid leave in September, as your disability period would still be continuing.

However, FMLA leave for the birth, adoption or placement of a foster child occurring in the summer is treated differently. Your Family Leave Act will begin the day your baby is born and will continue for 12 weeks.

Question 11: If my baby is born in late winter and I plan to return to work in the following September, does the district pay for health insurance during the summer?

A: The district generally has paid its share of the health insurance premium when the teacher is expected to return in September. However, if the leave is extended beyond one summer, the employee assumes the full cost of health and dental insurance during the first summer.

This is difficult to explain so here is an example to help. Let's assume a child is born in February and the mother decides to take the rest of the current school year off, as well as the following school year. At the time of the birth, the employee would need to make the decision to either stay on one of the district's health insurance plans or switch to a spouse's plan. The decision to remain on a district plan would cause the employee to pay the full cost of insurance once the employee was medically cleared to return to work. Let's assume things were "normal" and this was 12 weeks from the time the mother went out from work. After these 12 weeks, the employee would then pick up the cost of the health insurance from that point through the end of the school year. The next opportunity to make a change to one of the district's health insurance plans would be during the open enrollment period in June.

If you return to work in September, the cost of insurance for July and August will be included in these payments.

If the employee extends the leave and continues to remain on one of the district's health insurance plans, they would receive a letter from the district outlining their obligations for making payments.

Question 12: Can male employees take unpaid child rearing leave?

A: Yes.

Question 13: Does an unpaid leave have any effect on the length of my probationary period?

A: Yes. An unpaid leave extends the probationary period. Paid sick leave does not.

Question 14: Does unpaid leave effect seniority?

A: Yes. Seniority does not accrue while on unpaid leave. Part-time status does not accumulate seniority.

Question 15: Does time on unpaid leave effect the advances on the salary schedule?

A: Yes. Time on unpaid leave is pro-rated in a "blending" procedure.

Each month worked = 10%

Full year worked = 100%

Example: You are currently on Step 5 – you worked/paid 3 months (30%) and were unpaid for 7 months (70%). When you return your new salary will be blended. You have 7 months of Step 5 to satisfy.

Step 5 = 70%

Step 6 = 30%

You will receive from Payroll a letter detailing your new salary structure.

Question 16: What are the guidelines for return from an unpaid child rearing leave?

A: Generally, a return from leave is expected at the beginning of the semester, after the Christmas break, or in September.

Reminders

1. Read information in this packet. If you wish to discuss questions and/or concerns, please make an appointment with the Director of Human Resources.
2. Make final health insurance decisions. You are strongly encouraged to request current comparisons in coverage and rates from the Human Resource office as early as possible.
3. Attain any necessary enrollment forms for health insurance as well as dental insurance from the Human Resource office.
4. If you are considering a change to your spouse's insurance, be sure to check the requirements of the spouse's employer prior to the birth of the baby.
5. Complete the attached letter stating your intentions for leave. Mail copies to the building principal, Canandaigua Teachers' Association President and Director of Human Resources 90 days prior to the planned leave.
6. If a medically unexpected leave occurs, contact the building principal and the Director of Human Resources. You will need to submit a letter to Human Resources from your doctor describing your medical situation.
7. Upon the birth of the baby, call Human Resources to report the birth.
8. Make sure you receive a copy of your enrollment form(s) from the Human Resources office verifying the changes to your insurance coverage.
9. If you wish to extend your leave, see the current contact for details on absences and leaves.

SAMPLE LETTER

Date

Mr. Donald W. Raw, Jr.
Superintendent of Schools
Canandaigua City School District
143 North Pearl Street
Canandaigua, NY 14424

Dear Mr. Raw:

In accordance with the current negotiated Agreement between the Canandaigua City School District and the Canandaigua Teachers' Association, I hereby request a pregnancy-related disability leave of absence to commence on or about (expected first date of disability) and to end (expected date of disability to end.) I intend to make use of my accumulated sick leave subject to my doctor's recommendation.

I further request an unpaid child-rearing leave of absence to commence immediately following my disability leave of absence and to end (expected date of return to District.)

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 beginning (expected first date of disability.)

Please send me acknowledgement of the Board of Education's action.

Sincerely,

c: Director of Human Resources
Building Principal
Canandaigua Teachers' Association President