This packet contains your employment information related to pregnancy and after the baby is born.
Congratulations!

We hope you will find the information in this packet a helpful tool in planning for the arrival of your baby.

Please note: This summary is intended to be an aid in your planning. The regulations regarding many of the provisions described in this packet are complex and subject to change. Please work closely with Human Resources through these provisions... we are here to help!!!!
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Checklist

The following items need to be completed during pregnancy and after the baby is born:

☐ Have your doctor complete the “Doctor’s Release from Work” form (page 10) and submit to HR (at least 30 days prior to your due date).

☐ Let your supervisor know and plan with them for a substitute to cover your duties (if needed). Certificated staff, please refer to the “Long Term Substitute Orientation” sheet (page 13).

☐ Discuss with your supervisor how you would like to inform staff and students/parents of your pregnancy.

☐ Determine if you will be taking any additional leave with or without pay (after your medical leave) and create a plan and backup plans should schedules change. Meet with Michelle Camacho in HR (x70302) to review your plan(s) and discuss details surrounding leave.

☐ If you would like more detailed information regarding your pay during any time off of work, please contact Ginny Stewart (certificated x70416) or Melissa Gonzales (classified x70417) in payroll.

☐ If you have questions about leave options or other pregnancy procedures, contact Michelle Camacho in HR (x70302).

☐ If your doctor determines you need to be off work due to pregnancy, have your doctor revise/resend the “Doctor’s Release from Work” form (page 10).

☐ Within the first 30 days after the baby’s birth, if you take CUSD health insurance, contact Paola Barrios in HR (x70308) to add the baby to your plan. The baby is covered under your plan for the first 30 days.

☐ Once your doctor releases you to return to work, please provide the doctor note or the “Verification of Employee Leave” form (page 11)

☐ If you would like to take additional leave to bond with the baby, complete the “Employee Request for Additional Leave under CFRA” form (page 12).

☐ If you wish to make changes to your W-2 tax withholdings, see Ginny Stewart (certificated x70416) or Melissa Gonzales (classified x70417) in payroll.
Leave During Pregnancy and After the Baby Is Born

This section summarizes leave options during pregnancy and within the first year following the birth of an employee’s child. There are state and federal laws and contract provisions that overlap regarding pregnancy and baby bonding after birth. This document does not address the full complexity of each law/provision, but summarizes the law/provision as it applies to CUSD staff. Please see Human Resources with questions and concerns related to a leave; do not solely rely on this summary as each case has nuances that we should discuss. Also, paternity leave and provisions for adoption or foster care placement are also available.

The chart below shows what leave options are available to eligible employees before the birth of the baby and after the birth of the baby. More information on these leave provisions follows the chart.

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<th>Birth of the Baby</th>
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<td><strong>Illness/Injury Leave</strong> – (Union Contract &amp; Ed Code) Requires a doctor’s note, can be used both before and after the baby is born for your own medical condition. It uses sick leave (paid) and when expired, up to 100 days of sub - pay deduct (differential pay).</td>
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<td><strong>Pregnancy-related Disability Leave (PDL)</strong> – (CA Fair Employment and Housing Act) Requires a doctor’s note, runs at the same time (concurrently) as Illness/Injury Leave. Provides up to 4 months (17⅔ weeks or approx. 86½ days) of unpaid leave – this leave typically expires before Illness/Injury Leave runs out. PDL ends when your doctor clears you to return to work.</td>
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<td><strong>Family Medical Leave Act (FMLA)</strong> – (US Department of Labor) Disability due to pregnancy – requires a doctor’s note, runs at the same time (concurrently) as PDL and Illness/Injury Leave. Provides up to 12 weeks of unpaid leave - this leave typically expires before Illness/Injury Leave or PDL runs out. You must meet FMLA eligibility requirements to use this leave.</td>
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<tr>
<td><strong>Family Medical Leave Act (FMLA) cont.</strong> – Care for newborn – any remaining portion of the 12 weeks not used for pregnancy disability may be used.</td>
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<td><strong>CA Family Rights Act (CFRA)</strong> – Begins once your doctor takes you off illness/injury leave. This enables up to 12 weeks of 50% paid leave for “baby bonding” for the classified staff and up to 12 weeks of sub-pay deduct leave for “baby bonding” for certificated staff. You must meet CFRA eligibility requirements to use this leave.</td>
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Illness/Injury Leave/Pregnancy-related Disability Leave (PDL) – If at any time during pregnancy or post-delivery, you submit a doctor’s note to the District stating you cannot work due to medical reasons related to pregnancy or childbirth, you must use any available paid sick days for this leave. If your paid sick days expire, you have up to 100 days of differential pay (sub-pay deduct) for medically necessary absences, due to pregnancy. PDL provides up to “four months (17-1/3 weeks)” unpaid leave for disability due to pregnancy or childbirth. Your paid sick leave and PDL run concurrently so in most cases, PDL expires before the 100 days of differential pay end (exceptions sometimes occur – talk to HR about your specific situation). Benefits coverage continues during PDL and sick/differential days, but if you decide to extend your leave using unpaid status, you must make the employee contribution to maintain benefits for that unpaid period.

FMLA (for pregnancy disability) – The Family and Medical Leave Act (a federal law) allows up to 12 weeks of unpaid leave. If the leave is related to a pregnancy disability (your own serious health condition), this unpaid leave runs concurrently with your paid medical leave/PDL listed above. You must qualify for FMLA leave by having (1) at least one year of service completed in the District; (2) at least 1,250 hours actually worked (not counting sick leave, holidays, etc.) in the previous 12 months; and (3) your FMLA leave entitlement not exhausted in the applicable 12-month period. If the employee takes unpaid FMLA leave, the employee must make the tenthly employee contribution for benefits to continue. You will receive written notification for any paid medical leave whether FMLA leave applies (may commence retroactively) and runs concurrently from your first day of the paid medical leave.

Birth – Once your child is born, your doctor determines the length of any recovery period, providing to the District a written release for you to return to work. (Note: You may have heard about 6 weeks for natural childbirth and 8 weeks for cesarean childbirth. This practice is not part of the law, although common in public employment as it mirrors State Disability benefits.) As long as you are medically precluded from working by pregnancy or childbirth recovery, you may use any remaining Medical/PDL/FMLA leave. Benefits coverage continues during this leave, unless the leave is unpaid as described above. Once you are released by your doctor to return to work (medically), you may use CFRA leave for bonding as described below.

CFRA (A.B. 2393) - CA Family Rights Act allows up to 12 weeks of “Parental Leave” (i.e. baby bonding), once the baby is born and the employee is no longer disabled due to pregnancy (own serious medical condition). The employee must be employed for at least one year to qualify for sub-pay deduct or 50% paid leave for the remainder of the 12 weeks. Classified employees may take 12 weeks of parental leave, during which they will use their sick leave and, once fully paid sick leave is exhausted, 50% paid leave will be paid for the remainder of the 12 weeks. CFRA baby bonding leave must be taken before the newborn’s first birthday or the first anniversary of the child’s placement. It begins after a Medical/PDL/FMLA (own medical condition) leave ends. If the employee takes any partial paid leave, the employee must make the tenthly employee contribution for benefits to continue. The 12 weeks need not be taken all at once. For child bonding, the employee may take up to two intermittent leaves of less than two weeks’ duration; all other intermittent leave must be taken in increments of at least two weeks. Employees are asked to schedule intermittent child-bonding leave so as to pose the least disruption to our service of students. Please see HR for the conditions/requirements regarding this leave and CFRA must be requested for through the HR office BEFORE IT CAN BE TAKEN.
Frequently Asked Questions

1. **I just found out I’m pregnant – what should I do?**
   Let your site administrator or supervisor know so that preliminary planning for coverage of your position can begin. When you have an estimated date of delivery, please submit the “**Doctor’s Release From Work Due to Pregnancy**” form (page 10) to Human Resources. The purpose of this form is to provide the District with estimated dates for your Maternity Leave. Your medical information will be kept confidential; you decide whether and when to tell your coworkers about your pregnancy. You may also want to update your emergency card and let the Health Aide staff at your site know of your pregnancy.

2. **How long can I keep working?**
   You can work as long as you and your doctor agree. This is a medical decision that will not be made by the District. If your doctor imposes work restrictions, the District will determine whether the restrictions can be reasonably accommodated.

3. **I am not due for a few weeks, but my Doctor has placed me off work. What do I do?**
   If your date of release from work has changed, please submit an updated doctor’s note to Human Resources with your new release from work date.

4. **What are PDL, FMLA, CFRA and other leaves?**
   Various state and federal laws overlap to cover pregnancy and parental leave. These leaves are explained on page 5 of this document. If you have questions after reviewing this document, please see your friendly HR staff. When you request leave under these provisions, you will receive written notice of your eligibility for the leave, your rights and responsibilities, and the designation of your leave under the appropriate law(s).

5. **I delivered my baby, now what?**
   Please have your doctor complete the form entitled “**Doctor’s Verification of Employee Leave**” (page 10) and return the completed form to Human Resources as soon as possible. Please remember to contact Human Resources within 30 days of birth if you choose to add your baby to your health plan.

6. **What is the normal length of time I would be allowed to be off work?**
   Because every pregnancy is different you and your doctor determine the length of time away from work. State Disability benefits grant maternity leave of 6 weeks following a natural delivery, or 8 weeks following a cesarean section. So, you may hear that frequently. However, remember you and your doctor may determine that you need additional time before or after the delivery of your baby.

7. **When can I return to work?**
   You may return as soon as your doctor releases you. Again, this is a medical decision made by your doctor.
8. What if I want to stay out a little longer after my doctor releases me?
   Once you receive medical clearance to return to work, you may request to remain off work for up to 12-week
   allowance available under CFRA (if you meet eligibility requirements). Please submit your request in writing on
   the “Employee Request for Additional Leave under CFRA” form (page 12) as soon as you decide to stay out
   longer than your doctor note indicates. Since you are no longer disabled at that point, the remaining leave will
   be 50% paid for eligible classified employees; eligible certificated staff receives sub-pay deduct during this time
   per Education Code § 44977.5. If you take medical benefits, you are required to continue to pay the employee
   contribution during any leave. Your contribution is due at the beginning of each month. Please see Angela in
   Payroll if you have any questions.

9. What if I want to stay out beyond the 12 weeks of FMLA?
   Leave time beyond FMLA may be covered under CFRA, but total bonding time may not exceed 12 weeks.
   Like above, your benefits continue under CFRA, but you must pay the employee contribution to the District.

10. I want to stay out even longer. Are there any other options?
    You may request a Personal Leave Without Pay (CFA Article 15.10 and CSEA Article 8.11), but this time will
    be unpaid. Please be advised that you will not receive any salary or District-paid benefits during this leave.
    However, benefits may be purchased through the District.

11. Do I deplete my sick leave when I am on maternity leave?
    Yes. When you are unable to work because of pregnancy or childbirth related conditions, your sick leave is
    exhausted first and runs concurrently with any PDL or FMLA leave you use.

12. What happens when I run out of sick/vacation leave?
    If you are placed on medical leave by your doctor and your sick/vacation days run out, certificated employees
    are placed on differential pay (sub-pay deduct) and classified staff receive 50% of their pay, until your doctor
    releases you to return to work, with or without restrictions. Certificated have 100 differential days per illness
    and classified staff have 100 days per school year. For Certificated staff, remember the first 20 days of this leave,
    the deduction from your pay will be the daily substitute rate. Starting on the 21st day, the deduction from your
    pay will be the long-term substitute rate. Differences in the amount taken from your pay may occur, as months
    have different actual student days.

13. Do I get paid during vacation and breaks or for district in-service?
    Depending on your work calendar, the salary is divided over 10, 11 or 12 months so that you are paid an
    equal amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring
    break, etc.). You are, in reality, paid only for actual days you work when students are in class or when you
    are attending district in-service.

14. Do holidays or non-duty days count against my time off?
    Non-duty days and holidays are not deducted from your sick leave balance. For purposes of FMLA and
    CFRA, if an employee takes a week of leave under FMLA or CFRA and a holiday occurs during the week, the
    employee has still exhausted a week of FMLA/CFRA leave. If school is closed, for instance for a vacation
    period during the winter holidays or over the summer, and you are not expected to report to work for one
    or more weeks, those weeks may not be counted against FMLA/CFRA leave.
15. **What about my benefits?**
Benefit coverage will continue until your doctor releases you to return to work. If your doctor has indicated you may return to work and you are still out under FMLA/CFRA, remember you need to make your monthly employee contribution for continued benefit coverage. If FMLA and CFRA are exhausted and you do not return to work, the District will not continue to cover the cost of your benefits and you will be responsible for the full premium of your benefits. Also, you will be required to reimburse the District for the amount the District paid to continue your benefit coverage during your FMLA/CFRA leave.

16. **Do I qualify for state disability (SDI)?**
Teachers and classified employees do not pay State Disability Insurance (SDI), you are probably not eligible. However, eligibility for state disability is determined by that agency and it is suggested you contact SDI for specific information. Any forms sent to us will be quickly forwarded so your eligibility can be determined accurately.

17. **How will my substitute be selected? Am I responsible for finding someone?**
The site administrator and Human Resources will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Every effort will be made to grant your recommendation. Because our intent is to find the most qualified candidate, we cannot guarantee that your desired substitute will be chosen.

18. **Will my maternity leave affect achieving permanent status or advancement on the salary schedule?**
For permanent certificated staff, leave in a paid status counts toward accumulation of 75% of the school year requirement to advance on the salary schedule. Unpaid leave DOES NOT count and could impact you reaching the next salary step. A probationary teacher must actually work (days with students) a minimum of 75% of the year for that year to count toward permanent status.

19. **If I am a certificated employee and I take a long leave, do I get my school and grade back when I return?**
We try to place everyone in her first choice of school and grade but this is not a guarantee. On a short-term maternity leave that does not involve CFRA leave; you will most likely return to the same class. It is important to remember that although FMLA and CFRA are “job-protected leaves”, this does not mean you will return to the exact position you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential (for certificated employees) upon your return.

20. **I have income protection, can I use it? How does it work? (i.e., The Standard & American Fidelity)**
For certificated staff, some voluntary disability plans, like The Standard (800-368-2859), may cover maternity leave. Please contact the disability carrier directly to discuss your plan. Classified staff do have a limited income protection provision in the Collective Bargaining Agreement. Please contact American Fidelity (800-365-9180) for assistance. If the carrier needs any information from the District, they will send the forms directly to Accounting and the forms will be completed promptly.

21. **What is Paid Family Leave?**
Paid Family Leave (PFL) allows eligible workers partial salary replacement when a family member is ill, but does not provide job protection or return rights. PFL does not cover care for a well baby. Eligibility for PFL is not determined by the District. Please contact EDD’s Paid Family Leave department for eligibility determination.
22. What if I need to express breast milk when I return to work?
   HR and your site principal will work with you to determine a location and time for you to have privacy for this need during your work day. Since comfort levels vary, please work personally with your site principal to determine the best location and time. If you are uncomfortable working with your site principal on this matter, please contact Michelle Camacho in HR (x70302).

23. I’m still confused, who can answer my other questions?
   Human Resources is here to help! This whole topic can be very confusing, as every situation is quite different. Call Michelle Camacho, in Human Resources!!! (x70302)
Employees should contact their administrator/supervisor as soon as they have an estimate of the length of leave in order that other arrangements may be made for the services needed. This form must be signed by your attending physician before it is sent to the Human Resources Office. If you have any questions regarding your sick leave, maternity leave or other possible leaves, please contact the Human Resources Office.

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**Physician’s Use Only**

Date of Today’s Visit

__________________________ is pregnant and barring any complications, may continue working through _______________________.

Name of Patient

Date

Expected date of Delivery _______________________

Date

__________________________

Physician Signature

Date

__________________________

Medical Office

Date
Legislation requires the district to provide pregnant employees with the same benefits that other disabled employees receive. In order to do so, we must determine the actual time span that the employee will be disabled. A person who is disabled is one who is unable to perform the essential duties of their position, with or without reasonable accommodation.

_________________________ delivered her child on __________________________.
Name of Patient  Date

She will be totally unable to perform the duties of her position through __________________________.
Date

She may return to work on __________________________.
Date

[if applicable] She has the following restrictions when returning to work: __________________________

These restrictions continue until __________________________.
Date

_________________________  __________________________
Physician Signature  Date

_________________________
Medical Office
Claremont Unified School District

Employee Request for Bonding Leave Under CFRA

Last Name         First Name

Address       City     State   Zip

Phone Number                     Email Address

Position                     Work Site

Employee’s Use Only

I request a leave of absence pursuant to the CFRA Laws to bond with my newborn child and/or child placed for adoption/foster care. Please initial the statements below:

_____ I understand CFRA must be taken before the newborn’s first birthday or the first anniversary of the child’s placement.

_____ I understand I must submit my employee contribution for benefits to Payroll on the 1st of every month

Dates Requested:

The 12 weeks need not be taken all at once. For child bonding, the employee may take up to two intermittent leaves of less than two weeks’ duration; all other intermittent leave must be taken in increments of at least two weeks.

_________________________ through ______________________
First Date Off Work     Last Date Off Work

To ensure proper handling of your leave, please indicate if both parents are currently employed with CUSD.

☐ Yes      ☐ No
If yes, indicate the name of the other parent: __________________________________________
If yes, indicate the other parent’s work classification with CUSD.  ☐ Certificated    ☐ Classified

Employee Signature                     Date

Human Resources Use Only

☐ Approved       ☐ Not Approved (Specify Reason(s)):
☐ Employee has not worked one full year for the District
☐ Employee commenced a leave on ____________ and used ____ weeks of CFRA leave within the last 12 months

Approving Official
LONG TERM CERTIFICATED SUBSTITUTE ORIENTATION

Listed below are items to discuss with your long-term substitute and/or your site administrator prior to your leave. Please note that not all of these topics will apply to every grade level. Please utilize what applies to you and your position and/or site.

1. Student information; health concerns, behavior, parent involvement (restraining orders); IEPs
2. Lesson plans: past plan book (material already covered), rest of the year plan (roughly), where to find all teacher’s guides and student material, workbooks
3. Discipline routine: behavior expectations, class rules, rewards and consequences
4. Class routine: daily schedule; rules regarding bathroom use, sharpening pencils and drinks; signal used to get students’ attention; rainy days; emergency drills; roll call
5. Class list/seating chart
6. Yard duty responsibilities; where, when, what
7. Out of classroom activities: PE, music, computers, library
8. Prep period schedule
9. Grading procedures: grade book, report cards, grading system (percentage, letter grades, stickers, stamps), any portfolios
10. Homework policy: typical assignment, frequency
11. Birthdays: do you celebrate them, how? List of dates
12. Filing system
13. Student jobs/helpers
14. Special person of the week/month
15. Advice/procedures for minimum days or assembly schedule
16. State testing or upcoming events
17. Your telephone number or email and anticipated return date