



Pregnancy Disability Leave and Baby Bonding Leave

You're going to have a baby!

What a wonderful experience is ahead for you! The information provided in this packet will clarify some of the questions you will face in the near future regarding your Pregnancy Disability Leave as well as the leave options available after the baby is born. Please read through this packet carefully before contacting Human Resources.

Pregnancy Disability Leave

The provisions for a Pregnancy Disability Leave (PDL) can be found in the classified and certificated bargaining unit contracts. Both contracts state that...

“Unit members are entitled to use accumulated sick leave as set forth in the provisions of illness/injury leave for disabilities caused, or contributed to, by pregnancy, miscarriage, childbirth, and recovery there from. Such leave shall not be used for childcare, childrearing, or preparation for childbearing, but shall be limited to those disabilities as set forth above.

How do I begin the process?

Included in this packet are two forms, **Form A** and **Form B**, to be completed by you and your attending physician. To begin the request for a Pregnancy Disability Leave, complete your section of **Form A** then submit the form to your physician to complete, verifying that you are medically unable to perform service for a designated period of time due to pregnancy or anticipated childbirth. Any medical complications that arise outside of the anticipated Pregnancy Disability Leave **will require an additional note from your physician.** When completed, send Form A to the Human Resources Office **at least thirty (30) days** in advance. If you are a certificated employee, please contact the Substitute Desk at (714) 424-7569 to begin securing your long-term substitute if needed.

How will I be paid?

As stated in your contract, unit members are entitled to use accumulated sick leave while on Pregnancy Disability Leave. First you will utilize your accumulated sick leave for that period of your absence that is due to disability related to pregnancy or childbirth. You will be paid at 100% of your normal daily rate as long as you are using your accumulated sick days. Once you exhaust your accumulated sick days, you will be placed on differential pay. For classified employees, your differential pay is 50% of your daily rate and will run concurrently with your sick days up to 100 days. For certificated employees, differential pay is your daily rate minus the cost of a substitute (even if one is not obtained or needed) for up to five months. Differential pay for certificated employees begins after all accumulated sick leave has been used. You will remain in paid status as long as you are using sick leave/differential pay.

What rights do I have under the Pregnancy Disability Leave Act, the Family Care and Medical Leave Act of 1993 and the California Family Rights Act?

The Pregnancy Disability Leave (PDL) is a doctor certified leave of absence due to a medical disability caused by pregnancy; childbirth or related medical conditions and entitles you to take a leave of absence. If eligible, this leave will run concurrently with a Family Care and Medical Leave (see FMLA information below). Both Pregnancy Disability and Family Medical Leave qualify to use accrued sick leave entitlements due to the medical disability related to the pregnancy.

The Family Care and Medical Leave Act of 1993 (FMLA) provides a leave of absence of up to 12 weeks for **eligible** employees who meet certain criteria and may run concurrently with the Pregnancy Disability Leave. This leave may also be used for bonding time with your newborn or newly placed adopted or foster child, including time off to seek adoption or foster care, or for a serious health condition of a child. The following criteria must be met in order to take a leave of absence due to pregnancy disability under the Family Care and Medical Leave Act:

- *An employee must have been employed with Newport-Mesa for at least 12 months and*
- *The employee must have WORKED for at least 1,250 hours during the 12-month period preceding the date of leave.*

While an employee is on FMLA leave, the District will maintain all District-paid health and welfare benefits. The employee is responsible for paying any employee contribution toward these benefits, just as if you continued to work. An employee is entitled to return to the same position the employee held before the leave or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The California Family Rights Act (CFRA) is a state law similar to the FMLA. However, CFRA does not cover time off when an employee is disabled due to pregnancy or childbirth related conditions; instead, California law provides Pregnancy Disability Leave (PDL) for that purpose. Employees may request a CFRA leave after the Pregnancy Disability Leave for bonding time with their child. The CFRA, in this case, entitles eligible employees up to 12 weeks of unpaid leave, which must be taken within the first year after the birth of the child. The same eligibility criteria apply to CFRA as for FMLA. Any remaining FMLA leave may run concurrently with CFRA for child bonding.

What do I do after the baby is born?

Once your doctor has completed and returned **Form B** releasing you back to work to Human Resources, your Pregnancy Disability Leave with the District ceases. **You must notify Human Resources (leave desk) within the first week of your baby's birth, the exact date of your baby's birth, and whether the delivery was normal or C-Section. This information will help determine the ending date for your PDL coverage.**

OPTIONS after the baby is born and Baby Bonding Leave

Once you have been released back to work, your PDL with the District ceases. You then have these options to consider:

1. Return to work.

Or

2. Request "Baby Bonding Leave" for up to 12 weeks, if you qualify by submitting the "Request for Leave of Absence" form and a letter to Human Resources.
 - a. This leave must be taken within the first year after the birth of your child.
 - b. Employees may receive differential pay for up to 12 weeks during this leave once accumulated sick leave has been exhausted.
 - c. This leave runs concurrently with any remaining FMLA/CFRA leave.

Or

3. Certificated Employees Only:
 - a. Request an **unpaid** “Child Care” leave of absence by submitting the “Request for Leave of Absence” form and a letter to Human Resources.
 - b. No district-paid health and welfare benefits (see below for purchase of benefits).

What about benefits?

- If you are currently receiving district-paid health and welfare benefits, your benefits will continue as long as you are in paid status.
- If you request an unpaid personal leave of absence or “Child Care” leave of absence, the District ceases to pay for your health and welfare benefits until you return to active service.
- Please contact the Benefits Management office for details regarding health and welfare coverage while on leave.
- **Be sure to add your new child to your health insurance coverage. This must be done within 31 days of the birth of your child.**

What is the impact on my STRS/PERS service credit?

Certificated:

- STRS service year credit could be reduced while on differential pay or unpaid leave.

NOTE: While not related to STRS credit, it is important to note if you teach less than 75% of the school year while on unpaid status you may:

- a. Lose your N-MUSD step advancement for the following year and
- b. If on a probationary contract, impact your road to permanent status.

Classified:

- CalPERS service credit may be reduced while on differential pay.

Please contact your HR Technician for further information.

For further questions regarding your leave, please do not hesitate to contact Human Resources at (714) 424-8935.

Congratulations again and we wish the best to you and your new baby!