

THREE (3) WEEK MATERNITY LEAVE FACT SHEET and Q & A's

ELIGIBILITY REQUIREMENTS

In order to be eligible for the 3-Week Maternity Leave benefit, you must be a:

- Certificated employee in a part-time or full-time contract position
- Certificated hourly employee (pro-rated basis)
- Classified employee with permanent status who have successfully completed probation (130 work days or 6 months, whichever is longer)
- Substitute employees are not eligible

PRIOR TO BIRTH

Planning for a Substitute

Bargaining Unit Member must collaborate with their site administrator/supervisor to arrange for substitute coverage. Please contact Personnel if you need help arranging for a substitute (588-3037).

AFTER THE BIRTH

Visit the 3-Week Maternity Leave Resource page at <https://www.cajonvalley.net/Page/16322>

If you still have questions after reviewing the 3-Week Maternity Leave Resource Information on our website, please contact your Payroll Technician.

Your payroll technician will review your available leave balance and options for applying the 3-weeks of Maternity Leave with you.

The Request for 3-Week Maternity Leave Form (A-94) must be completed, identifying the period of time the Bargaining Unit Member intends to apply the 3-weeks of Maternity Leave (if known). If unknown at the time the child is born, the form may be submitted any time within the first year of the child's birth and may be submitted as many times necessary to access the entire three weeks of leave (ensuring leave time is completed within the first year of the child's birth).

APPLYING THE 3-WEEKS OF MATERNITY LEAVE

Three (3) Week Maternity Leave (CVEA - Article 16, CSEA - Article 9 and CVSA - Article 9) of Bargaining Unit Members' Contracts

Beginning July 1, 2016, Bargaining Unit Members have three (3) weeks of paid Maternity Leave:

After giving birth to a child, Bargaining Unit Members shall have three (3) weeks of paid Maternity Leave. The leave is applied to "contract days" for which bargaining unit members are paid. Therefore, non-paid days (school calendar breaks) do not count against the three (3) weeks of paid leave. The Maternity Leave days will not be deducted from your illness or other paid leave balances.

The three (3) weeks are intended to be taken during the pregnancy disability period. If the member's disability period falls outside of their work year or the member elects to defer their 3-week paid Maternity Leave, the three (3) weeks is accessible within one (1) calendar year of the birth of the child, in one (1) week increments, and will run concurrently with other available leave, i.e. CFRA, FMLA, etc.

Parental Leave (Baby Bonding Leave)

In accordance with Education Code sections 44977.5 (AB375) and 45195.1 (AB2393) the twelve (12) weeks of Parental Leave will be deducted from the unit member's illness leave for as long as the member has leave remaining. If the member's leave is exhausted before the twelve (12) weeks of paid Parental Leave has been used and the member chooses to remain on Parental Leave with her/his child, the member will be paid at the differential rate for the remainder of the Parental Leave. The differential pay rate is determined by Education Code applicable to the bargaining unit. Certificated staff are paid at their daily rate minus the cost of the substitute rate. Classified employees are paid two-thirds ($\frac{2}{3}$) of their regular rate. Please contact Payroll at 588-3070 for more information.

If the school year ends before the twelve (12) weeks of paid Parental Leave is exhausted, the employee may take the balance of the twelve (12) weeks of paid Parental Leave in the subsequent school year, provided the entire twelve (12) weeks is taken within the first year of the child's birth.

Parental Leave shall run concurrently with bonding leave taken under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA). The basic minimum duration of parental leave is two weeks. However, the District shall grant a request of parental leave of less than two week's duration on any two occasions upon request.

Return to Work

In order to return to work you are required to submit a physician's note indicating you are able to return to work. Bargaining Unit Members will need to notify their immediate supervisor in writing within five (5) days of their anticipated date of return in order to provide sufficient time to notify the substitute and prepare for the employee's return.

Requesting Additional Unpaid Leave

Should the bargaining unit member wish to request Governing Board approval for unpaid leave after all available paid leave has been exhausted, the member should contact Personnel Services at 588-3047 to discuss Child Care Leave options under CVEA - Article 17, CSEA - Article 9, and CVSA - Article 9 of the Collective Bargaining Agreement (CBA).

If the unpaid leave is granted, the Bargaining Unit Member may voluntarily participate in the district medical/vision and dental plans at his/her own expense (COBRA) for up to one year. Payment of the premiums by the unit member shall be in a manner required by the District or the insurance carrier. For more information, please contact the Payroll/Benefits at 588-3070.

It is important to note that the district and employee monthly retirement contribution to CalSTRS/CalPERS does not continue when a Bargaining Unit Member is in non-paid status. Please contact your CalSTRS/CalPERS representative to discuss "buy back" service credit, impact of future retirement benefits, and non-paid status inquiries.

Requesting additional unpaid leave may affect your future step advancement, please contact Personnel Services at 588-3047 for more information.

Frequently Asked Questions (FAQs)

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1. Q: How do I access my 3-week Maternity Leave benefit?

A: You will submit the A-94 Form, 3-Week Maternity Leave Request to your Payroll Technician. Your technician will follow up with you. After the birth of your child, you will need to provide Payroll with a copy of your child's birth certificate within thirty (30) business days.

2. Q: How do I get my 3-week Maternity Leave approved?

A: Please complete, sign, and submit the A-94 form to your immediate supervisor at least five (5) days prior to the start date of your planned maternity leave. You will need to complete the A-94 form for each period of leave you intend to take (one week increments with the exception of two times within 12 months of the child's birth).

3. Q: Do I need a doctor's note to access the 3-week Maternity Leave?

A: A doctor's note is not necessary to access the 3-week Maternity Leave, however you will be required to submit a doctor's note for the Pregnancy Disability Leave (PDL). It is the responsibility of the employee to notify the District of planned leave and provide the Payroll Department with a birth certificate within thirty (30) days after the birth of the child.

4. Q: How will the time be applied to my leave balance?

A: The three (3) weeks paid maternity leave will be applied to a separate leave plan, known as 3-Week Maternity Leave. This leave is not deducted from other accumulated leave plans.

5. Q: When will this time be applied to my leave plans?

A: The time will be applied when you submit the A-94 3-week Maternity Leave Request form.

Should you chose to defer all or part of the three (3) weeks to a later date, the leave must be used within the first (12) months following the birth of the child and will run concurrently with other leave plans. You will need to complete the A-94 form for each period of leave you intend to take (one week increments with the exception of two times within 12 months of the child's birth).

6. Q: Does Parental Leave (Baby Bonding) and 3-week Maternity Leave run concurrently or am I entitled to both?

A: If you elect to use your 3-week Maternity Leave during your first three (3) weeks of pregnancy disability, it will run concurrently with your pregnancy disability leave. If you elect to defer your 3-week Maternity Leave benefit it will run concurrently with Parental Leave (baby bonding).

7. Q: If my child is born during break (winter, spring, or summer), do I get to take extra time off?

A: Non-paid days (school calendar breaks) do not count against the three (3) weeks of paid leave. The 3-week Maternity Leave days will not be deducted from your illness or other paid leave balances.

The three (3) weeks are intended to be taken during the pregnancy disability period. If the member's disability period falls outside of their work year or the member elects to defer their 3-week Paid Maternity Leave, the three (3) weeks are accessible within one (1) calendar year of the birth of the child, in one (1) week increments (with the exception of two (2) times), and runs concurrently with other available leave, i.e. CFRA, FMLA, and/or Pregnancy Disability Leave (PDL).

8. Q: Is 3-week Maternity Leave benefit paid or unpaid?

A: The 3-week Maternity Leave benefit is fully paid time off available to all permanent employees.

9. Q: Does this time carry over to the next work year?

A: If any portion of your pregnancy disability falls outside of the regular work year, you may use the remainder of the 3-Week Maternity Leave within one (1) calendar year of the birth of the child, in increments of no less than one (1) week (with an exception of two occasions).

10. Q: How much time will I have to spend with my baby?

A: The amount of time you have a available will vary based on physician's documentation, date of child's birth, and available leave time. Please contact your Payroll Technician to determine available leave time.

11. Q: Can I use this time for my baby's doctor's appointment?

A: Yes, if you are electing to defer your 3-week Maternity Leave to a later date, it may be used for a child's doctor's appointment within the first year following the birth; however, the leave may only be accessed two times in increments less than a week at a time.

12. Q: What is the difference between FMLA, CFRA, maternity leave and parental leave?

A: These are all leave plans that assist you in taking time off and have different requirements. Please contact Payroll at 588-3070 to determine eligibility for each leave plan.

13. Q: How do I apply the 3-Week Maternity Leave if I am not eligible for FMLA/CFRA?

A: Certificated employees may apply the 3-Week Maternity Leave during the Pregnancy Disability period. Classified employees must be a permanent employee on or before the birth of the child to qualify for the 3-week Maternity Leave.

14. Q: Do all pregnant employees receive the same benefit?

A: All eligible employees receive the same benefit, however eligibility varies as determined by law. Substitutes and classified probationary employees do not meet the eligibility requirement.

15. Q: I've only worked for CVUSD for three months. Am I entitled to maternity leave?

A: If you are a contracted certificated employee and do not qualify for FMLA/CFRA (FMLA requires you to have worked in the District for one (1) year and 1,250 hours, CFRA requires you to have worked in the District for one (1) year), you may apply the 3-weeks of Maternity Leave during the Pregnancy Disability Leave. Classified employees must be a permanent employee on or before the birth of the child. Substitute employees are not eligible for this benefit.

16. Q: My spouse or partner is pregnant. Am I entitled to maternity leave?

A: The 3-week Maternity is only applicable to the birthing parent. However, you will be eligible for Parental Leave after the birth of the baby.

17. Q: Can other employees donate time to me if I don't have enough illness leave?

A: No, pregnancy does not fall under eligible criteria for catastrophic leave.

18. Q: Can I take additional leave after I have exhausted all of my other leave plans?

A: Additional leave may be granted. Please contact Personnel Services at 588-3047 to discuss additional leave options.

19. Q: Who may I contact with my questions?

A: For questions specific to your individual salary, benefits and/or available leave, please contact:

A - G: Vacant, Payroll & Benefits Technician: A-G: 619-588-3064

H - O: Carly Stampfer, Payroll & Benefits Tech: stampferca@cajonvalley.net / 619-588-3065

P - Z: Joy Perry, Payroll & Benefits Technician: perryj@cajonvalley.net / 619-588-3066

For general questions, please contact Personnel Services:

Casie Martinez, Personnel Services: martinezca@cajonvalley.net / 619-590-8351

Regina Martin, Personnel Services: martinr@cajonvalley.net / 619-590-8584

DEFINITIONS:

Maternity Leave - Three (3) Week Fully Paid Maternity Leave is being offered to birthing employees by the Cajon Valley School District. Three weeks may be used consecutively after the child's birth or can be used in one-week increments within twelve (12) months of the birth of the child for child care or bonding. Maternity Leave is not charged against the employee's other paid leave balances.

California Family Rights Act (CFRA) - The California Family Rights Act (CFRA; Government Code §12945.2) substantially mirrors the federal requirements. Under FMLA, pregnancy and pregnancy-related disabilities are "serious health conditions." CFRA does not include *an employee's* pregnancy as a serious health condition because female employees in California have the right to

pregnancy disability leave (PDL) under Government Code §12945. Therefore, while in most circumstances FMLA leave and CFRA leave will run concurrently, where an employee takes leave for a pregnancy or childbirth-related disability, FMLA leave will run concurrently with the pregnancy disability leave, and the employee will additionally be entitled to 12 workweeks of CFRA leave after the birth of the child for child care and bonding.

Family and Medical Leave Act (FMLA) - The federal Family and Medical Leave Act (FMLA; 29 U.S.C. §2601, *et seq.*) allows eligible employees to take leave for their own serious health conditions, childcare, specified family member's serious health conditions, or for reasons related to a family member's military service. Each eligible employee may take up to 12 workweeks of family and medical leave in a 12-month period (26 weeks when caring for a specified family member with a qualifying illness and injury incurred during active duty military service). The leave is unpaid, but the employer must continue to make its standard contributions toward health insurance coverage. In most cases, employees who take such leaves have rights to reinstatement upon their return.

Pregnancy Disability Leave (PDL) - The California Pregnancy Disability Leave Act (PDLA; Government Code §12945) grants employees up to four months (17-1/3 weeks) of leave while disabled by pregnancy, childbirth, or related medical condition. This leave is unpaid, but the employee is entitled to health benefits in the same manner as if working. Temporary disability related to pregnancy, childbirth, or related medical conditions must be treated the same as any other temporary disability, including the right to use available leaves.

Once your doctor has written you out for the pregnancy disability period you go into sick leave time. Once all sick leave is exhausted you go into differential leave per your bargaining unit contract. Please refer to CSEA Contract section Article IX and CVEA Article XVI contract section.

Parental Leave - Effective January 1, 2017 (Certificated Employees) and July 1, 2017 (Classified Employees) are eligible for Parental Leave. Parental leave is leave taken for the birth of a child of the employee or the placement of a child with the employee for adoption or foster care. Both parents are entitled to parental leave regardless of marital status. The employee is limited to one 12-week period. In accordance with Education Code sections 44977.5 (AB375) and 45195.1 (AB2393) the twelve (12) weeks of Parental Leave will be deducted from the unit member's illness leave for as long as the member has leave remaining. If the member's leave is exhausted before the twelve (12) weeks of paid Parental Leave has been used and the member chooses to remain on Parental Leave with her/his child, the member will be paid at the differential rate for the remainder of the Parental Leave. The differential pay rate is determined by Education Code applicable to the bargaining unit. Certificated staff are paid at their daily rate minus the cost of the substitute rate. Classified employees are paid two-thirds ($\frac{2}{3}$) of their regular rate.

If the school year ends before the twelve (12) weeks of paid Parental Leave is exhausted, the employee may take the balance of the twelve (12) weeks of paid Parental Leave in the subsequent school year, provided the entire twelve (12) weeks is taken within the first year of the child's birth.

Parental Leave shall run concurrently with bonding leave taken under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA). The basic minimum duration of parental leave is two weeks. However, the District shall grant a request of parental leave of less than two week's duration on any two occasions upon request.