

**CHILD REARING LEAVE and
FMLA LEAVE (*Family & Medical Leave Act*)
INFORMATION**

Dear Colleague,

Congratulations on the imminent arrival of your newest family member(s)!

Over the years, STA has helped hundreds of members to understand and apply for the benefits provided by Article XIII of our contract. The ***Question and Answer (Q&A)*** section of this information packet reflects the most common questions asked by teachers seeking a **Child Rearing Leave/FMLA Leave (*Family & Medical Leave Act*)**. In addition, we have provided samples of the type of format you might use to request the kind of leave that best fits your situation.

Although the attached information discusses many areas, this is not intended to be a “one size fits all” document. Indeed, STA is most interested in making certain that your leave addresses the specific needs of your situation. Consequently, I ask you to contact our STA Health and Benefits Coordinator, Heidi Stinebrickner, to discuss relevant details of your **Child Rearing Leave/FMLA Leave**.

If you would like to contact Heidi, email her at stinheid@shenet.org.

Again, congratulations! STA looks forward to working with you throughout this process.

Sincerely,

Megan DeLaRosa

Megan DeLaRosa
STA President
STA Office HSW ext. 62213

**CHILD REARING LEAVE and
FMLA LEAVE (*Family & Medical Leave Act*)
QUESTIONS & ANSWERS**

The terms and conditions of a Child Rearing Leave are described in the agreement between the Shenendehowa Central School District and the Shenendehowa Teachers Association. The information has been included in this packet.

*The terms and conditions of an FMLA Leave (*Family & Medical Leave Act*) are described in the federal law enacted in 1993 with which the School District is obliged to comply. A brief description of this legislation is also included in this packet.*

The following series of questions and answers represents a cross-section of typical conversations that have occurred between STA Reps. and teachers interested in seeking a Child Rearing Leave/FMLA Leave. Because everyone's situation is unique, please remember to contact Health and Benefits Coordinator, Heidi Stinebrickner, early in the process.

Q. Who can apply for a Child Rearing Leave/FMLA Leave?

A. Any Shen educator (male or female) expecting the arrival of a child who will require parental support is eligible to apply.

Q. Do the benefits of Article XIII of the STA Contract extend to adoption situations?

A. Yes. Except for the use of accumulated sick leave that parallels the obvious physical disability associated with childbirth, the benefits of Article XIII apply equally to adoption situations.

Q. Can sick leave be used during Child Rearing Leave/FMLA Leave?

A. Yes, by expectant mothers only, for the period of disability designated by the doctor (usually 6 to 8 weeks). However, if medically verifiable complications arise, extended sick leave may be used. Under current regulations, fathers are not eligible to use sick leave during Child Rearing Leave/FMLA Leave.

Q. Is the use of sick leave during Child Rearing Leave/FMLA Leave the same as the use of sick leave in other situations?

A. Yes. During the use of accumulated sick leave, there is no interruption of one's salary, insurance coverage or other contractual benefits.

Q. Do I accrue seniority while using accumulated sick leave?

A. Yes.

Q. What is FMLA Leave all about?

A. The Family & Medical Leave Act requires an employer to provide up to 12 weeks of unpaid leave for those who have been employed for more than 12 months.

Q. Under FMLA Leave, is my medical coverage continued even though I am not receiving a salary?

A. Yes. For up to 12 weeks, the employer is required to continue contributing to the individual's health insurance premiums at the rate required by contract (Article XIV of the STA Contract).

Q. How does FMLA Leave work at Shen?

A. Shen teachers receive all applicable FMLA Leave benefits while on leave. FMLA Leave regulations limit the maximum leave time to 12 weeks, and an individual may not manipulate contract language in order to extend coverage beyond the 12-week period. Please note that the 12 weeks covered under FMLA is counted from the first day that the individual is out of work, not necessarily from the date that the baby is born. In the event that an individual extends his/her leave beyond the 12-week period for reasons other than a serious medical or family situation that would justify the use of accumulated sick leave, the individual would be required to pay the District the difference between the group rate insurance premiums and the amount the District had contributed on the individual's behalf AFTER the person's period of disability had passed.

Q. Is that because by going beyond the 12 weeks the FMLA Leave actually evolved into a regular Child Rearing Leave situation?

A. Yes; and as with any Child Rearing Leave, the teacher would be expected to notify the District of changes in the family/medical situation which necessitated the extension beyond the 12-week period.

Q. So the major decision appears to be choosing between a Child Rearing Leave (governed by Article XIII of the STA Contract) and an FMLA Leave (governed by federal regulations)?

A. Yes. Do not forget that there are plenty of people available to supply the information you need to make an informed decision (especially STA President Steven Massari and STA Employer/Employee Relations Chairperson Megan DeLaRosa).

Q. If I choose an FMLA Leave, can I still use accumulated sick leave for the period of my physical disability?

A. Yes.

Q. How long may a regular Child Rearing Leave last?

A. At Shen, a Child Rearing Leave may last for up to four semesters beyond the semester in which it began.

Q. As a teacher new to Shen, I do not have 6 weeks of accumulated sick leave. Is the Sick Leave Bank time available to me?

A. Yes. For more information as to how the Sick Leave Bank works and how to apply for Sick Leave Bank days, please refer to Article XIII, Section 12. Kim Matura, Sick Leave Bank Chairperson, can also explain this process. You can contact Kim by e-mail (matukim@shenet.org), on her extension at Orenda (43040), or at her home number, 877-4622.

Q. How important are beginning and ending dates for my leave?

A. Extremely important!! Besides affecting the length of time available for a Child Rearing Leave, the beginning and ending dates (you declare) for either Child Rearing Leave or FMLA Leave can, among other things, affect certain salary computations. Everyone should discuss his/her situation with the Office of Human Resources.

Q. Are there special timelines for requesting a leave from the District?

A. Yes. The language of Article XIII provides notification timelines for both requesting a leave and also for changing dates of a leave already approved. Before making timing decisions, you should carefully review the relevant section of Article XIII.

Q. Am I guaranteed to return to my same building and position?

A. Typically, yes. However, those on a Child Rearing Leave do enjoy certain considerations and must be given the benefits of Article XIII. Again, it is important to speak to STA President Steven Massari and/or STA Employer/Employee Relations Chairperson Megan DeLaRosa. The short duration of FMLA Leave, as well as the understanding implied in the regulations, indicates that the individual on leave will return, in most circumstances, to the same position.

Q. Should I inform my building principal of my plans?

A. Although not contractually required, in most circumstances professional courtesy seems to indicate keeping building and departmental supervisors "in the loop." Indeed, those going out on leave often wish to actively share in the process of selecting their replacement and, obviously, it is the role of the immediate supervisor to coordinate that process.

Q. Does anyone ever simply use accumulated sick leave and just return to school after the 6 or 8 weeks of physical disability?

A. Yes, although not frequently. Sometimes a person whose expected date of delivery is within 6 weeks of the last day of school and who plans on returning to work in September will simply use accumulated sick leave. In such cases, the individual usually extends to the building principal the courtesy of advance notification and often participates in the process of finding a substitute for the period of physical disability due to childbirth.

Q. During the unpaid portion of my leave, can I still participate in insurance plans offered by Shen?

A. Yes. However, during the period of unpaid leave, one must pay the entire group rate premium. Group rates are usually lower than individual rates.

Q. When must I inform the District as to my plans for child-rearing leave?

A. Section 13.5 of the STA contract specifies that you must provide a written request at least 90 days prior to the intended date of the commencement of the leave. (See sample letters—attached).

Sample Letter Requesting
CHILD REARING LEAVE

Date

Jill Bush Assistant Superintendent of Human Resources
Shenendehowa Central Schools
5 Chelsea Place
Clifton Park, NY 12065-3200

Dear Mrs. Bush:

I wish to apply for a Child Rearing Leave beginning [*insert due date*] and ending [*insert date*]. At this time, my physician anticipates a normal pregnancy and delivery; and I anticipate using accumulated sick leave for a period of 6 to 8 weeks before beginning the unpaid portion of my leave. Should circumstances require a change in the dates mentioned above, I will notify your office as soon as possible.

During the unpaid portion of my leave, I [*choose either do or do not*] wish to continue Shenendehowa health care plan(s) with the understanding that I will be responsible for paying premiums at a group rate.

Please inform me of whatever documentation your office requires to process my application.

I enjoy my work at Shenendehowa and look forward to returning to my position in [*insert your current teaching position*].

Sincerely,

Your Name

***Sample Letter Requesting
FMLA LEAVE (Family & Medical Leave Act)***

Date

Jill Bush Assistant Superintendent of Human Resources
Shenendehowa Central Schools
5 Chelsea Place
Clifton Park, NY 12065-3200

Dear Mrs. Bush:

Under the provisions of the Family & Medical Leave Act, I wish to apply for a leave of absence in regard to my pregnancy, delivery and care of my child beginning [*insert due date*], my anticipated due date, and ending [*insert date*]. At this time my physician anticipates a normal pregnancy and delivery. Should circumstances dictate a change in the dates mentioned above, I would notify your office as soon as possible.

It is my intention to use accumulated sick leave for the period of my disability. In addition, it is my understanding that the District will continue to contribute to my health insurance premiums at the current rate for the duration of my leave.

I have completed a "Request for Family/Medical Leave" form and have attached it for your review. Please inform me of whatever other documentation your office requires in order to process my application.

I enjoy my work at Shenendehowa and look forward to returning to my position in [*insert your current teaching position*].

Sincerely,

Your Name

Attachment
(F: /STA/MaternityLeavePacketREV)