



Maternity Leave and the Family and Medical Leave Act (FMLA) *Information for Employees Covered Under the ICTA Contract*

You just learned that you are expecting a baby. It's an exciting time and you probably have lots of questions about taking time off from work. How much time can you take off? Will you be paid during this time? Can you keep your insurance coverage if you're not being paid? What is FMLA and do you qualify? What does your contract say about maternity/paternity leave?

This FAQ will provide some basic information about taking a maternity/paternity leave at Ichabod Crane Schools. Most of this information refers to leave for the mother. Information on paternity leave is included in this document. Since each teacher's situation is unique, your best sources of information are your insurance and payroll representatives.

Please call or email any of us whenever you have a question or concern.

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FMLA Questions and Answers

I just learned that I'm pregnant but I don't want to share the news just yet. When do I have to let my supervisor and the School District know?

Written requests for maternity or paternity leaves must be filed with the Superintendent of Schools at least sixty (60) days prior to the commencement of the leave. (ICTA contract, Article 17, Section A).

The District does request that you provide as much notice of an impending leave as possible so arrangements may be made to cover your classes during the time you are off work.

When I request maternity/paternity leave, do I have to tell the district when I plan to return to work?

The letter that you submit requesting maternity leave needs to include your planned date of return to work.

What happens after I submit my written letter requesting maternity leave?

Your request for approval of FMLA leave will be included on the next available Board of Education agenda. Once the board takes action, we will notify you in writing.

How much time can I take off?

Family and Medical Leave, or FMLA, is a federal job protection law that was passed in 1993. It allows eligible employees to take up to 12 weeks of unpaid job protected leave in a 12-month period to manage qualifying personal or family situations. The birth or adoption of a child is a qualifying reason for taking FMLA leave. A teacher on leave under Article 17, Section A, of the ICTA contract must return to a position no later than two (2) years following the date of birth or adoption.

How will I know if I'm eligible for FMLA?

You are eligible for FMLA if you are full-time and have worked for Ichabod Crane Central School District for a total of 12 or more months. The law also includes the stipulation that an eligible employee must have worked 1,250 hours in the 12-month period immediately preceding the leave to be eligible.

When can I return to work?

- You can return to work at the end of the six or eight week pregnancy disability leave; or
- You can return to work any time between the end of the pregnancy disability leave and the end of the 12-week FMLA leave; or
- You can return to work at the end of the 12-week FMLA leave; or
- Between the end of FMLA leave and the maximum allowable two year maternity/paternity leave.
- See Article 17.A of the ICTA contract for administrative details regarding the Child Rearing Leave

Insurance

What happens to my insurance while I am on leave?

While on paid leave, your insurance will continue and premiums will be deducted from your paychecks.

FMLA provides eligible employees with the right to continue health benefits at the current contribution level while on FMLA leave. After you have been paid all accrued sick leave, you will be placed on unpaid leave. While on unpaid FMLA leave, you can continue to pay premiums at your current contribution level. If your leave extends past the 12-week FMLA period, you can continue health coverage by **paying 102%** of the premium cost.

How do I pay insurance premiums while on unpaid leave?

Typically, there are two ways to pay:

1. You can pay premiums in advance by having them payroll deducted while you are still receiving checks; or
2. You can pay premiums monthly by personal check or cash.

If I continue my health insurance coverage while on leave, can I add my baby when he/she is born?

Yes, you can add your baby as of his/her date of birth. You must submit information within 30 days of the birth date. If adding your baby to your coverage changes your insurance family status from individual to two-person, or from two-person to family, your insurance premiums will also change. Contact Mena in the Business Office for the rates.

If you do not add your baby to insurance within 30 days of birth, it is possible you will be required to wait until the next open enrollment period in May for a July 1 effective date before your child may be added.

Does my child need a Social Security number to be added to the health insurance?

Yes, you do need to request a Social Security number for your child soon after his/her birth. If you do not have the number within 30 days of birth, you can still add the child to your insurance – just send us that number as soon as you receive it.

If I cancel my health insurance coverage while on unpaid leave, when can I re-enroll?

You can re-enroll in insurance coverage upon return to work. It is not necessary to wait until open enrollment. The coverage will begin on the following month after you return to work.

Example: Return to work September 15th. Insurance will begin October 1st.

What if I have complications and need longer than six or eight weeks to recuperate?

You would need to provide a doctor's note stating that you are unable to return to work at the end of your pregnancy disability leave and indicating an estimated date that you would be able to return. It may be possible to continue using sick leave under these circumstances.

Can I collect NYS short term disability payments while I'm on unpaid leave?

Educational institutions are not required to participate in the NYS short term disability plan. Ichabod Crane does not take part in this program.

Do I get paid for holidays or break weeks that occur during my paid pregnancy disability leave?

A teacher's annual salary is based on the assumption that the teacher will work the required number of working days in the school year. Given that assumption, the annual salary is divided by the number of pays received in the year (21 or 25) so that each check is the same amount. If 25 pays is chosen, you will still only receive 21 checks, but the 21st check, received on the last pay in June, will equal five pays. If a teacher does not work the required number of days in the school year, the salary is prorated according to the NYS Ed. Law referred to as the Swaim Calculation (9 Ed. Dept. Rep., 23) Using the Swaim Calculation, if a teacher provides service for less than half the working days in a month, the teacher is paid 1/200th of his/her annual salary for each day worked. If a teacher works more than half the working days in a month but is absent for some days, the teacher is deducted 1/200th of his/her salary for each day of absence.

Please contact Karen in the Payroll Department for specific information regarding your pay.

If a snow day occurs during my pregnancy disability leave, do I have to use sick leave for that day?

No. You will not have to use sick leave for that day.

How will taking time off affect my seniority?

Seniority is based upon the actual length of paid service in a specific tenure area

Will I still move up a step on the salary schedule if I take a leave?

Upon return to regular employment in the School District, the unit member shall be placed upon the salary schedule based on the step the unit member was on at the time the leave was taken. However, if the leave commenced at a time during the school year on or after February 1st, the unit member shall be placed on the next step on the salary schedule for the following year of service (ICTA contract, Article 17, A.6).

I just had my baby. Do I need to notify anyone at the District Office?

Yes, please call Karen in Payroll as soon as possible after having your baby. We will need to know the actual date of birth, your last day at work, whether you qualify for six weeks pregnancy disability (natural delivery) or eight weeks (C-Section) and whether you want to add your child to insurance. Please contact Mena regarding insurance.

I don't currently have a Flexible Spending Account for Dependent Care; however, I would like to start one when I return to work. Do I have to wait for open enrollment or can I do that now?

You can start a Dependent Care Flexible Spending Account (FSA) when you return to work since having a baby is considered a "qualifying event" that allows you to make changes to your FSA outside of open enrollment dates. A Flexible Spending Account allows you to save money on a pre-tax basis to pay for expenses you will incur later. If your child will be going to day care, this is a way to both save money to pay those expenses and to pay a bit less in taxes. Contact Karen in Payroll for more information and an enrollment form.

I plan to breast feed my child and will need to express breast milk at the school once I return to work. Is this possible?

Yes. New York Labor Law § 206-c (2007) states that employers must allow breastfeeding mothers reasonable, break times to express milk and make a reasonable attempt to provide a private location, other than a bathroom, for her to do so. You will be sent more information on this when you notify us of your baby's birth. Any arrangements made with you should include a flexible schedule providing time for you to express milk, an accessible location allowing privacy (shielded from view, free from intrusion by co-workers and the public, a lock on the door), access to a nearby clean and safe water source and sink for washing hands and rinsing out equipment and access to hygienic, refrigerated storage alternatives.

Paternity Leave

My wife is having a baby and I want to take some time off after the baby is born. Is that possible?

Yes, as the father, you may take FMLA leave and paternity leave. Requests for paternity leave are made in the same manner as requests for maternity leave. See the first two questions for details and information on how to find the request form.

How much time can I take off?

You can also take up to two years off for paternity leave. If you are a part-time, temporary or first year teacher, you may take leave for the balance of the school year in which the leave started.

Will my time off be designated as FMLA?

Yes, if you meet the eligibility requirements, up to 12-weeks will be designated as FMLA. This will allow you to continue health and dental insurance at the current contribution rate during your FMLA leave. FMLA leave will run concurrently with paternity leave.

Can I use sick leave during my FMLA and paternity leave?

Paternity leave is unpaid. Sick leave is used for absences due to personal physical and/or mental disability. Absence due to paternity leave does not meet this definition. However, if you are needed to take care of your wife immediately after she has given birth, it may be possible to use family sick leave.

When can I return to work?

You can return to work at any time during the 12-week FMLA leave. If you plan to take off more than 12 weeks, you must notify the Superintendent of Schools in writing 120-days prior to your intended return.

Additional FMLA Questions and Answers

If I take the 12 weeks of FMLA, do I have to come back to work after the 12 weeks are up?

Yes, unless you request an extended leave which will need to be Board approved.

Our contract states that leaves may be extended by mutual agreement. If I submit a leave request for 12 weeks, and later realize I could manage financially to stay home for the remainder of the school year, would the district be amenable to extending the leave?

You would need to notify the Superintendent of your change in plans and request this extended leave of absence. Under most scenarios, this would probably be approved, however, decisions would be made on a case by case basis and based upon what is best for the students.

If I were to stay out the remainder of the year (after 12 weeks are up), are there any consequences? If so, what are they?

Yes. You would not be entitled to accrued seniority, your probationary period would be extended, and you would have to pay COBRA if you wish to continue health insurance coverage.

If February or Spring break falls during the first 6 weeks, does this count towards the 6 weeks maternity or would we get an additional week paid?

Vacation weeks do not count as FMLA leave.*

- Do we need to use sick days during the break week? No
- If a break falls during the 6 FMLA weeks, does that week count against the 6 weeks allotted under FMLA? No

* However, per NYS Ed. Law, the Swaim calculation counts vacation weeks as part of the Swaim calculation

What, if anything, will I need to pay for the CDPHP family plan out of pocket after my 6 weeks of maternity leave are up through week 12 (during the additional 6 weeks of leave under the FMLA)?

You will be covered on the insurance for the entire 12 weeks and will only have to pay the employee portion of the premium during that time.

What would the cost be for CDPHP after the 12 weeks of leave (maternity, then FMLA) are up?

The member would have to pay for COBRA. It averages around 102% of the full cost of the current plan. Please contact Mena who can assist you with insurance questions.

So to clarify/make sure I understand -- Given it is a regular birth, not c section:

a.) First 6 weeks I am paid with full insurance coverage (as long as I have the sick time to cover).

YES

b.) Next 6 weeks (FMLA) I will not get paid but insurance will still be covered.

You would still be covered but you would need to pay your portion of the premium based on current contract rates.

c.) The remainder of the school year is under COBRA or a spouse's insurance. YES

d.) Summer: Insurance will kick back in on July 1, given that we are planning to start back when school starts in September.

Yes, provided the employee notifies Central Office before July 1 of their intent to receive the health insurance benefit again. Also, the employee must notify the Superintendent of their intent to return to work within 120 days of the date of return.

Will my insurance kick back in on July 1?

Yes, see "d" above.

Do you only receive health insurance for the amount of sick days you hold? i.e. not enough days to reach 6 weeks leave so, only receive 11 days paid. Will these also be the only days health insurance coverage will continue as well?

No, employees are allowed to have twelve (12) full weeks of health insurance coverage but they will have to pay their premium. After twelve (12) weeks, employees can pay the COBRA.

If I wanted to change health plans, could a switch be made at the end of FMLA coverage (would this be considered a change of life circumstances), or would the change have to be made within 30 thirty days after the birth of the child?

You can add the child and switch from single to two-person or family. Plans can only be switched during open enrollment, which is in May of each year.

How does the flexible spending plan for child care work while on leave?

The member would still be paying for child care costs to reserve the child's spot in the day care.

How are deductions made if member is on unpaid leave? Are they made up front, before the leave begins, in larger amounts?

- Dependent Care Only deductions only occur when on payroll. Deductions stop once paychecks stop.
- Whatever funds that are deducted prior to leave, you have the rest of the year to use.
- Dependent Care is for child care while employees are at work.