

*What to expect at South  
Colonie*





## *When you're expecting!*

### Information for Employees Covered Under the SCTA 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? How will taking leave affect seniority? 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 South Colonie Schools. Most of this information refers to leave for the mother. Information on paternity leave is found at the end of this document.

Since each teacher's situation is unique, your best sources of information are your union representative, the Human Resources Department and your payroll representative. Please call or email any of us whenever you have a question or concern. We may refer you to one of the other individuals on this list to answer a specific question.

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11/2018

## Frequently Asked Questions

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

Requests for maternity or paternity leaves must be filed with the District at least forty five (45) days prior to the estimated date of delivery or adoption (SCTA contract, Article XIII, Section F, 1a).

The District requests 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.

**2. How do I request a maternity or paternity leave?**

The SCTA CHILD CARE ACTION Form can be found online on the South Colonie Staff Resources page. [CHILD CARE ACTION FORM](#) . Paper copies are available from the HR Department. Complete and submit this form to the HR Office to formally request maternity or paternity leave.

If you meet the eligibility requirements for Family and Medical Leave (FMLA), the Human Resources Department will send you a letter with information about FMLA. This letter will be sent to your home address and will include a request that you contact Human Resources when your baby is born. More information will be provided at that time.

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

The form that you submit requesting maternity leave needs to include your planned date of return to work. An employee must notify the District in writing not less than (60) sixty days in advance of the intended date of return if the employee cannot return to work on the initially targeted return date.

**4. How much time can I take off?**

A teacher on leave under Article XIII, Section F, 1 of the SCTA contract must return to a position no later than two (2) years following the date of birth or adoption. However, unpaid leave for childcare purposes will be extended beyond two years if additional adoptions or births occur during the leave.

**5. Can I return to work at any time?**

You may return to work at the end of the pregnancy disability period, the end of FMLA leave or at the start of a trimester (elementary) or marking period (secondary). Read on for more details on these time frames.

**6. Do I need a doctor's note to return to work?**

If you plan to return to work before the end of your pregnancy disability leave, you will need to a doctor's note to return. You will also need a doctor's note to return at any of the other approved return dates and be cleared to work without restrictions.

**7. What if I change my mind about my return date? Can I return earlier or later than originally stated?**

Requests to return at an earlier or later date should be made as far in advance as possible by sending a letter or email to the Human Resources Department indicating the new date. A change in your expected date of return will impact the students and the substitute teacher hired to fill in while you are out. A request to return earlier or extend a leave will be considered with these impacts in mind. You will be advised if the request can be approved.

**8. How long can I continue working?**

With your doctor's approval, you may continue working as long as you are physically able to do so, up until your delivery date.

**9. What if my doctor says I have to stop working prior to my delivery date?**

You will need to provide the Human Resources Department with a note from your doctor stating that you are unable to work as of a specific date. With a doctor's note, you may use accrued sick leave to cover the period of absence between the date you stop working and the date of delivery.

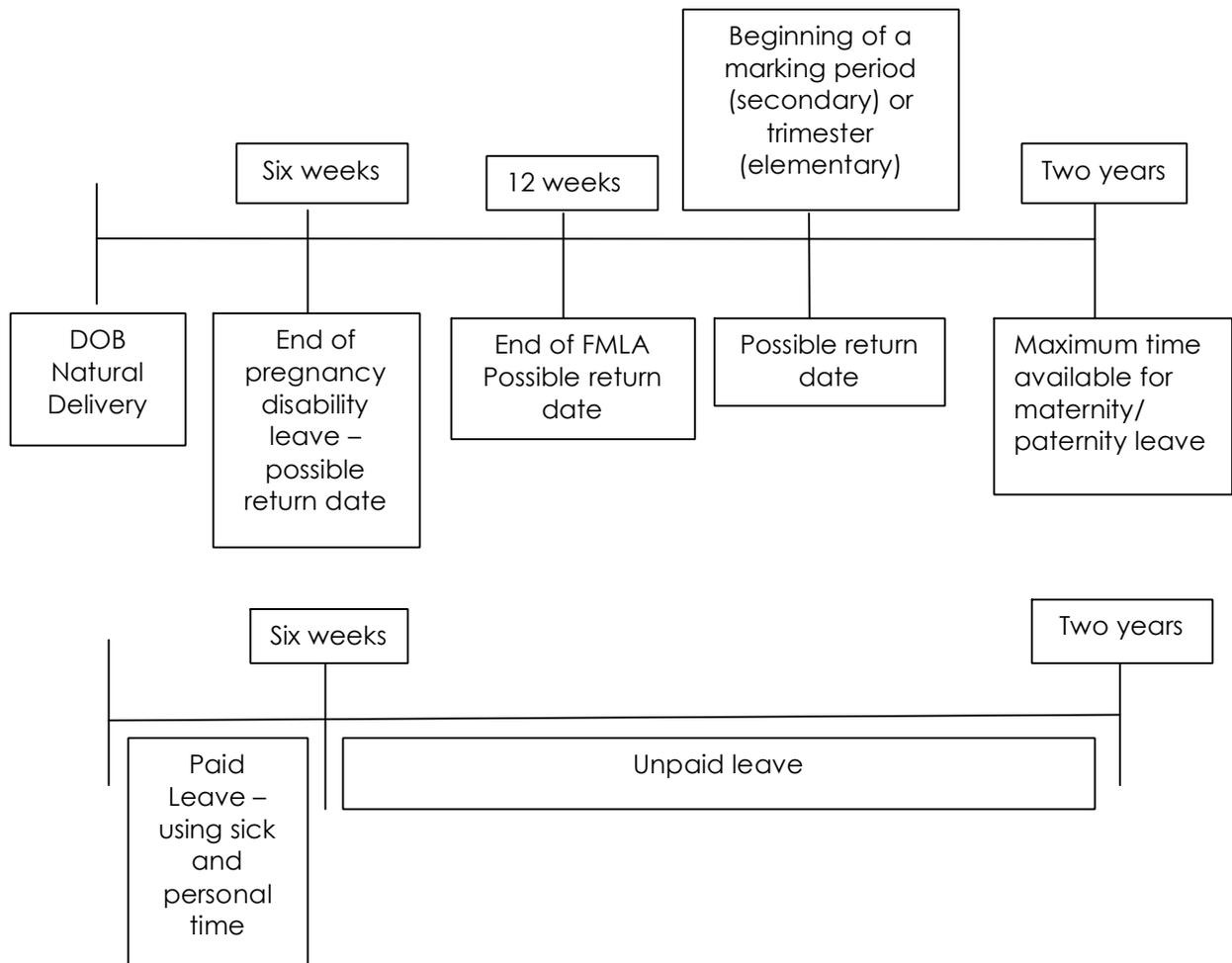
**10. Will I be paid during my maternity/paternity leave?**

Maternity leave actually consists of three parts: pregnancy disability, FMLA and unpaid maternity/paternity leave.

- **Pregnancy disability** – is the six to eight week period after giving birth that is medically necessary for the mother to recover from giving birth. Six weeks are allowable for a natural delivery and eight weeks are allowable for a C-section delivery. A doctor's note is not required.
  - You will be paid for this period of disability.
    - If you have sick leave available and leave occurs during the regular school year, you will be required to use your sick leave.
    - If you have less than six or eight weeks of sick leave accrued and meet the eligibility requirements, you may utilize paid Sick Leave Reserve (non-tenured staff) or Sick Leave Bank (tenured staff) **after** you have exhausted your accrued sick leave.
  
- **FMLA** – FMLA leave will begin on the first day you miss work due to the pregnancy and will run concurrently with pregnancy disability leave. Sick leave may be used during pregnancy disability leave; however, the balance of the FMLA leave is unpaid, up to the 12 week maximum available for FMLA.
  
- **Maternity/paternity leave** -- this type of leave is provided to allow time for the parent(s) to bond with a new child. Maternity/paternity leave runs concurrently with pregnancy disability and FMLA. Except for the pregnancy disability time period, maternity/paternity leave is unpaid. A teacher on unpaid maternity/paternity leave must return to a position no later than two (2) years following the date of birth or adoption. (SCTA contract, Article XIII, Section F, 1).

Below is a timeline for a natural delivery, showing possible return-to-work dates and paid vs. unpaid time.

## MATERNITY LEAVE TIMELINE – NATURAL DELIVERY



Examples of how this works are included below:

Example 1:

- Ms. Jones delivers her baby on October 22 by natural delivery. Her last day at work prior to giving birth was October 19, a Friday. Pregnancy disability leave will begin October 22, the first day Ms. Jones was not at work, and will end six calendar weeks later on December 2.
- FMLA leave also begins October 22 and ends after 12-weeks of absence on January 27. The school break week is counted as one of the 12 FMLA weeks. Ms. Jones plans to return to work on January 28 after her 12-weeks of FMLA leave.
- Ms. Jones has 100 days of accrued sick leave. She can use her sick leave while on pregnancy disability leave – from October 22 through December 2, a total of 26 work days. Ms. Jones does not have to use sick leave for days school is not in session (holidays).
- Even though Ms. Jones has 74 days of sick leave remaining as of December 2, her unpaid FMLA/maternity leave begins on December 3. She remains on unpaid leave through January 27.
- When Ms. Jones returns to work on January 28, she has 74 sick leave days available to use as needed.

Example 2:

- Ms. Smith's doctor recommends that she stop working on March 12 even though her delivery date is not until April 23. If Ms. Smith submits a note from her doctor indicating that she is unable to work beginning March 12, she can use sick leave for the time period between March 12 and April 20.
- Since FMLA begins on the first day off work, Ms. Smith's FMLA leave begins March 12 and ends after 12-weeks of absence on June 3.
- Ms. Smith delivers on April 9 by C-Section. Her pregnancy disability leave begins April 9 and ends eight calendar weeks later on June 3.
- Ms. Smith can use sick leave during her eight week pregnancy disability leave, however, Ms. Smith only has 20 days of sick leave accrued. She began using sick leave on March 12 and will exhaust 20 days of sick leave on April 16. Ms. Smith does not meet the eligibility requirements for SCTA Leave Bank. Consequently,

Ms. Smith will be placed on unpaid leave on April 17, even though her pregnancy disability leave does not end until June 3.

- Ms. Smith plans to return to work at the beginning of the next school year. She is taking off more than 12 weeks and is returning at the beginning of a semester/marking period.
- Ms. Smith has used all her sick leave and has a 0 balance. However, if she returns at the beginning of the school year, she will accrue 10 sick days for the full school year, credited to her **in advance** on September 1.

As you can see from the examples above, each situation is unique, which is why we encourage you to contact the Human Resource Office for information specific to your situation.

#### **11. 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.

#### **12. 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. South Colonie does not take part in this program.

South Colonie **does not** participate in the NYS Paid Family Leave Act that began on January 1, 2018.

### **13. What exactly is Family and Medical Leave?**

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 off 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.

### **14. How will I know if I'm eligible for FMLA?**

You are eligible for FMLA if you are full-time and have worked for South Colonie 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; however, the law waives the hour requirement for full-time Teachers and Teaching Assistants. Part-time teachers must meet the 1,250 hours requirement to be eligible for FMLA.

### **15. I'm not eligible for FMLA. How does this affect my maternity/paternity leave?**

Part-time, temporary or first year teachers are eligible for pregnancy disability leave (using accrued sick leave) and for unpaid maternity/paternity leave for the balance of the school year in which the leave started. (SCTA contract, Article XIII, Section F, 1).

### **16. Now that I have a better understanding of the different parts that make up a maternity leave, 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, you can return to work at the start of a marking period (secondary schools) or the start of a trimester (elementary schools), or

- You can return at the end of the maximum two year maternity/paternity leave allowed under your contract, provided you return at the beginning of a trimester or marking period.

### **17. 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 insurance benefits at the current contribution level while on FMLA leave. After you have been paid all accessible sick leave and SCTA Sick Leave Reserve (if eligible), 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 and dental coverage by paying 100% of the premium cost. Employees whose FMLA leave ends in June will be charged the employee rate for summer premiums, which are traditionally deducted from the June 30 check. If you will not receive a June 30 check, please make arrangements to pay premiums as described in question #18 below.

Life insurance coverage may be continued if you pay the full premium cost. These premiums may not be paid through payroll deduction.

### **18. How do I pay insurance premiums while on unpaid leave?**

Typically, there are two ways to pay:

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

Please contact Linda Gordiman in Payroll for more detailed information on pre-paying insurance premiums while on unpaid leave. If you prefer to pay monthly, please contact Shirley Kelty in the Insurance Department for more information.

**19. If I continue my health and dental 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 complete and submit a benefits form 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 Shirley Kelty in the Insurance Department 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 (January 1 or July 1 effective date) before your child may be added.

**20. 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.

**21. Should I add my newborn to the dental plan?**

It is not necessary to add your child to the dental plan until he/she turns 2 years of age. You can add your child to a dental plan during the open enrollment period closest to the child's second birthday.

**22. If I cancel my health and dental 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.

**23. Where do I find the benefit form to add my child to my insurance coverage?**

Benefit forms are available from the Insurance Department or can be found online in the Staff Resources section of the main Internet page.

**24. 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 (22 or 26) so that each check is the same amount. If 26 pays is chosen, you will still only receive 22 checks, but the 22nd check, received on June 30, will equal five pays.

If a teacher does not work the required number of days in the school year, the salary is prorated. Basically, if a teacher provides service for less than half the working days in a month, the teacher is paid 1/200<sup>th</sup> 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 1/200<sup>th</sup> of his/her salary for each day of absence.

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

**26. 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.

**27. I'm a probationary employee. How will taking leave affect the length of my probationary period?**

Your probationary period may be extended due to taking leave.

**28. How will taking time off affect my seniority?**

Seniority is based upon the actual length of paid service in a specific tenure area. All days you miss work that are unpaid will not be counted towards seniority.

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

The SCTA contract, Article XIII, Section F, 2b states "Teachers will return to the District on the same salary step they were on when they started the leave if they teach less than one-half of the school year of the leave. Teachers who teach one-half year or more during the year of the leave shall be eligible for step advancement.

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

Yes, please call the Human Resources Department 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 (CSection) and whether you want to add your child to insurance.

Within a few days of notifying Human Resources of the baby's birth, you will receive a letter indicating the actual dates for pregnancy disability leave, the actual dates for FMLA leave and your expected date of return to work. If you have insurance with South Colonie and indicate that you want to add your child to your insurance plans, you will be sent a benefits form to complete. The benefits form must be returned to the Human Resources Department within 30 days of the baby's birth date.

**31. 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. 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 occur 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 Human Resources for more information and an enrollment form.

**32. I need some help finding child care. Who can I call?**

Contact Capital EAP to see if they can assist you with this. They can be reached at 518-465-3813 or 800-777-6531.

**33. Should I change my life insurance beneficiary at this time?**

Minor children (under age 18) cannot collect life insurance benefits. If you wish to name your minor child as a beneficiary, it is important that you make legal arrangements for that child's care up to at least age 18. If no arrangements are in place, the money will be held by the insurance company until the child's 18<sup>th</sup> birthday.

**34. 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?**

New York Labor Law § 206-c (2007) states that employers must allow breastfeeding mothers reasonable, unpaid 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. Please make specific arrangements with Human Resources if you need to express breast milk while at work. 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

**35. 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.

**36. 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.

**37. 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.

**38. 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 or newborn child, it may be possible to use family sick leave and/or personal days up to the total available (5 family and 4 personal day max).

### **39. 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 return at the beginning of a marking period (secondary schools) or the beginning of a trimester (elementary schools). Please review question #7 for information on extending leave past the original indicated return to work date.

### **40. If I have more questions, can I call or email you?**

Absolutely. Call or email us anytime with any question.

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