

Questions and Answers Regarding Maternity Leave and Leave for Adoption

(revised August 10, 2004)

1. How much time do I get off for maternity leave?

- Maternity leave begins the day after the baby is born.
- Employees may take six weeks of leave for a normal delivery.
- Employees may take eight weeks of leave for a Caesarean delivery.
- Employees may take what is medically necessary as determined by their physician.

2. Do holidays count as part of my maternity leave?

Yes. Just like a person who is recovering from surgery, the recovery period does not start or stop because of a holiday break.

3. Are my leave days used during a holiday break when I am on maternity leave?

No. The holidays are not workdays thus no leave days are used or docked.

For example, if the maternity leave falls during the December holiday break, the employee will benefit because no sick leave or personal leave days will be deducted from the employees leave balance during the scheduled holiday break. This means that essentially, the employee will only need to use approximately 20 leave days instead of 30.

4. Do I use my accumulated sick leave and personal leave days while I am out on maternity leave?

Yes. Sick leave days are used first. If all the accumulated sick leave days are used then personal leave will be used. If all leave days are exhausted, then pay will be docked for each day the employee is out during the customary maternity leave.

Pay is not docked if the employee has enough leave days to cover the customary amount of time allowed for the maternity leave:

- **Normal delivery: Six (6) Weeks**
- **Caesarean delivery: Eight (8) Weeks**
- **Medically necessary: Determined by the physician**

5. Can I stay out longer than six weeks, 8 weeks for C-section, or what is medically necessary?

Yes, if the employee qualifies for Family Medical Leave (FMLA).

6. Can I continue to use my accumulated leave days if I stay out longer?

No. Once the maternity leave ends the employee is expected to return to work if there is no documented medical reason for the employee to remain off.

However, under FMLA, for the birth or adoption of a child, an employee can stay out for up to 12 weeks of uncompensated leave. FMLA protects the job not the pay.

EXAMPLE

An employee is out six (6) weeks for maternity leave.

FMLA begins running concurrently with maternity leave. When the six (6) weeks is up, six weeks of FMLA have been used as well.

The employee has six (6) weeks remaining of FMLA.

The employee may continue to stay off any additional six (6) weeks under FMLA; however, pay will be docked.

Any remaining leave days cannot be used. The remaining leave days will not be lost, they just cannot be used to extent maternity leave when there is no medical reason to stay out.

7. **What is FMLA?**

The **Family Medical Leave Act (FMLA)** covers actually work days, not holidays, etc. It is for when an employee is scheduled to be working. It is job protection that allows for **uncompensated** leave. Please refer to Board Policy DEC Local and the Employee Handbook for additional information.

EXAMPLE, same as above just explained a little differently

- Normal delivery.
- Employee can be out six weeks.
- After six weeks employee is expected to return to work.
- However, the employee would still have at least six weeks of FMLA remaining that she could take if she wanted to continue to be out. The employee can do this but the employee will be docked pay for each day that she is out beyond the amount of time allotted for maternity leave (6 weeks for normal, 8 weeks for C-Section, or what is medically necessary as determined by the physician.)

Illustration:

- Baby is due on January 30.
- Normal delivery.
- Winter break is second week of February.
- Employee would be expected to be back at work on March 14.
- The six weeks recovery/maternity leave does not stop because of a holiday. During this time the employee would have only used 5 weeks of FMLA because Winter break is not a workweek. So the employee would have 7 weeks of FMLA remaining. Remember the employee will be docked pay if the employee continues to stay out beyond the 6 weeks, 8 weeks or what is medically necessary.

8. **Who is eligible for FMLA?**

FMLA is available to employees who have been with the company/business/district for at least 12 months and have worked at least 1250 hours prior to taking the FMLA. Please consult policy for a full description of the requirements.

9. **What happens if I do not have enough leave days to cover my maternity leave?**

Employees who do not have enough sick leave and personal leave to cover the maternity leave will be docked for each day they are out after all leave days are exhausted.

10. **What is a Salary Refigure?**

A salary refigure is what is done when an employee has exhausted all leave days and will be absent from work without pay.

The refigure is done because payroll is set up to calculate the potential dollars that the employee will earn based on the number of days worked. This amount is divided by the number of paychecks the

employee will receive. When the number of days is reduced the salary must be refigured and all subsequent payroll checks will need to be adjusted.

Employees who are paid a daily rate will have a couple of options on how the salary refigure is applied. **It is vital that the employee discuss this with payroll and to keep payroll informed of any changes.**

An employee who knows that she will be docked pay will need to fill out a **Salary Refigure Form** and return it to payroll. It is recommended that the employee contact payroll so that the employee understands what will happen with respect to any pay docks and salary changes.

Which employees may qualify for a Salary Refigure? Employees who are paid monthly.

The salary refigure form is in the packet.

11. What do I do if I have Health Insurance with the district?

Employees who have health insurance with the district and plan to add the baby will need to contact Babs Holly, Administrative Secretary for Insurance and Benefits, at 817.574.5782 or babsholly@birdville.k12.tx.us.

It is important to contact the benefits office prior to delivery in order expedite the paperwork process.

12. What do I do if I have disability insurance?

Employees who have disability insurance need to contact Babs Holly, Administrative Secretary for Insurance and Benefits, at 817.574.5782 or babsholly@birdville.k12.tx.us.

It is important to contact the benefits office prior to delivery in order expedite the paperwork process.

13. What are the short forms in the packet for?

Each of the five (5) forms in the packet serves a purpose. It is important for the forms to returned to personnel at the appropriate times indicated on the forms.

Form #1: Acknowledgement that the maternity packet has been received and reviewed by the employee.

Form #2: Medical statement, by the end of the seventh month, from attending physician that the employee is medically able to continue to work.

Form #3: Update on approximately when the employee will begin maternity leave.

Form #4: Documents when the baby was born, (for adoption, when the child was placed) and when the employee plans to return to work.

Form #5: Medical release from the attending physician that the employee may return to work.

14. What do I do with the FMLA form?

The FMLA form is to be signed and returned to personnel at the same time that Form #1 is returned.

On the FMLA form if the employee is not certain about the amount of time she plans to be off, then the employee can just pick one of the two boxes. The employee can always change it later by sending updated information with the request to change the number of weeks.

15. Can the father, who is a district employee, take 6 weeks of leave following the birth of a child?

Yes, he can take up to twelve weeks under FMLA rules.

16. **Are there parameters for leave for the father?**

Yes. Scenarios are described below.

Normal circumstances where everyone is healthy: baby and mother

- A. **Father can use discretionary leave for up to five consecutive days, (subject to prior approval by the immediate supervisor).** Discretionary personal leave may not be taken for more than five consecutive days, except in extenuating circumstances as determined by the immediate supervisor. So, can he stay out longer than five days? Yes, with approval from his immediate supervisor and provided he has accumulated the discretionary leave days to cover being out.
- B. If the father wants to stay off longer than the five days/(or whatever number the supervisor agrees to beyond the five days, provided the employee has the accrued discretionary leave days), then he will be placed on **FMLA**, which is **uncompensated leave** (regardless of the number of leave days that are remaining for the employee). He can use up to 12 weeks of **FMLA**, however **pay will be docked**.

Circumstances where there are complications with either the child or the mother that make it medically necessary for the father to be the caregiver.

If there is a medical need then the father can use his sick leave. FMLA begins when the employee is out for more than five days and runs concurrently with the sick leave. When the sick leave is exhausted, then pay is docked for the remainder of the time the employee is out under FMLA.

Please note that if both the mother and the father are employees of the same company/school district, the total number of FMLA weeks that can be use in one year is 12, not 24. It is a combined total of 12 weeks.

17. **How do I get a substitute to cover for me while I am on maternity leave?**

Employees should keep his/her supervisor informed at all times.

Long-term Substitutes: If your position requires a substitute, please work with your supervisor, in advance, in order to secure someone you feel comfortable with. Each campus has a list of certified substitutes.

Reminder: It is important that you keep your supervisor informed of the leave days you plan to take following the birth of your child. Please let your supervisor know when you expect to be out and your approximate date of return.