



Information about a Parental Leave of Absence

If you are expecting a baby or planning to adopt, this is an exciting time in your personal life. This is also a time to carefully plan for your professional obligations and benefits.

Working in education is unique; you have the dual role of planning for your own family and planning for your students. We hope to have as much time as possible to select a skilled substitute teacher who can help with this transition to support your students during the time of your leave and, eventually, your return to the district.

As an employee of the New Lebanon CSD, we want to coordinate with you and provide information about parental leave, use of sick days, possible changes in health insurance and your return to work. It is helpful for you and the district if we can make a tentative plan together. Attached a list of items for us to consider and discuss. Hopefully, I can answer any questions you may have about your parental leave.

We encourage you to set up an Initial Planning Meeting to discuss your parental leave of absence. You are welcome to bring your spouse or an Association representative with you. Please contact me or Kelly to set up a time for us to meet.

*Fondly ~ Andrew Kourt
Superintendent of Schools*



INITIAL PLANNING MEETING FOR TEACHERS

A Checklist of Issues to Review & Discuss in Preparation for a Parental Leave of Absence

TO BE COMPLETED PRIOR TO MEETING

Name of Teacher _____ School Year 20____ - 20____
Current Position _____
Building _____ Principal _____
Area of Certification _____ Status of Certification _____
Tenure Yes No If no, anticipated Tenure Date: _____
Initial Date of Employment _____ Current Date _____
_____ # of Sick Leave Days Accrued (as of this current date)
_____ # of Personal Leave Days (as of this current date)
District Health Insurance Yes No Type of Insurance _____

TO BE COMPLETED DURING INITIAL PLANNING MEETING

Date of Meeting _____
Others present during meeting: _____ Relationship: _____
Others present during meeting: _____ Relationship: _____
Expected Due Date: _____ Anticipated Adoption Date : _____
My leave is estimated to begin on: _____ My planned return-to-work date is: _____

NOTE BELOW: Teacher's request of intended plan for Parental Leave of Absence:

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For the purposes of this Initial Planning Meeting, make 2 copies of current school calendar to use as a working draft. Check off anticipated paid sick leave days to be used and/or check off the 1st calendar date for use of unpaid FMLA leave days.

— **Substitute:** Discuss thoughts about when and how long a substitute would be needed. What circumstances would work well for students?

— **Personal Leave:** Discuss use of Personal Leave, if any.

— **Sick Leave:** Discuss use of Sick Leave. How many days do you have? When can these be used?

Explain: Paid sick leave days may be used throughout the school work year as earned and as needed. Also, your physician may determine a “period of medical disability” when you are unable to work due to your pregnancy, delivery or related health needs. You may use paid sick leave during this period if you have accumulated days up to the total number of your accrued sick leave days. Again, postpartum, your physician may determine when you are able to return to work – typically 6 – 8 weeks following delivery.

— **Does my leave fall on a holiday break?**

Explain: If your leave falls on a holiday or a break employees do not have to use his or her sick days to get paid. These days will count as part of your 6 or 8 week leave. No days can be added to your leave.

If a snow day or emergency weather day happens to fall during an employee’s leave and district employees are not required to work – sick day(s) will not be taken from the employee. Again, these days count as part of your 6 or 8 week leave.

— **Contractual Agreement:** Review the language on your contractual agreement Article VIII, Leaves of Absence, specifically Personal Leave, Sick Leave, Parental Leave of Absence Personal Leave pp.8-12.

— **District Health Insurance:** Discuss possible impact on health insurance. Need to add new child to insurance.

Explain: District does not pay group health insurance premiums for a teacher on parental leave of absence. The teacher is allowed to participate in the District’s group health insurance plan at his or her own expense.

— **Flex Plan:** Discuss possible impact – usually based on calendar year – does not change if paid/unpaid.

— **Seniority:** Seniority in accrued ONLY for days worked or paid by earned leave. Seniority is based upon the actual length of paid service in a specific tenure area. Please note when such leave is without pay, the employee may cease to continue accruing seniority during the period of unpaid leave. All days you miss work that are unpaid will not be counted toward seniority.

— **Accruing credit for purpose of salary advancement:** A teacher on leave who is employed for more than ninety (90) instructional days (student attendance days, including snow days) from September 1 to June 30 in the school year of his/her leave, will receive one (1) full school year of credit for purpose of salary advancement and sick leave accumulation.

— **Returning to a position:** Teacher will be returned to a position in his/her own tenure area, unless staff reductions have been made and the teacher lacks the seniority to return.

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Next Steps . . .

- ___ **Teacher Submits a Written Leave of Absence Request:** Teacher submits a letter requesting a Parental Leave of Absence, including an anticipated delivery date (custody date for adoption) specifying the length of the leave requested and the anticipated date of return.

Teacher shall notify the Superintendent in writing and, except in case of emergency, will give notice at least thirty (30) days prior to the date on which the leave is to begin.

- ___ **Records from Physician/Health Care Provider:** The District requires certification from your physician or health care provider noting when you are unable to work and thus are eligible for FMLA. The District also requires a certification of fitness when you are able to return to work.
- ___ **Extended Leave of Absences:** The District will grant an additional one (1) year leave if the request is made by the teacher, in writing, to the Superintendent, no later than sixty (60) days before the expiration of the initial one (1) year leave.
A leave will be limited to a maximum of two (2) consecutive years. To be eligible for a subsequent parent leave, the teacher must return to employment for a minimum of two (2) consecutive quarters, including the fourth quarter of one school year and the first quarter of the next school year.
- ___ **Nursing Mothers:** Leaves of Absence (BOE Policy #9520) This policy covers specificity related to various leaves of absence, but also covers leave for Nursing Mothers. "The District shall provide reasonable unpaid break time or permit the use of paid break time or mealtime each day to allow an employee to express breast milk for her nursing child for up to three (3) years following childbirth."

Questions . . .

Your signature simply indicates that we met on this date and discussed the items noted on this Checklist.

Teacher: _____ Superintendent: _____ Date: _____
Signature Signature

Attach the following handouts:

- Contractual Agreement with the New Lebanon Central School Teachers' Association (July 1, 2019 to June 30, 2023) Article VIII, Leaves of Absence (pp. 8-12)*
- BOE Policy # 9520 Leaves of Absence*
- BOE Policy #9520.2 Family and Medical Leave Act*
- Family Medical Leave Act Entitlement Guidelines*

New Lebanon Central School District

FAMILY MEDICAL LEAVE ACT ENTITLEMENT GUIDELINES

Overview:

FMLA Family and Medical Leave Act (BOE Policy #9520.2b) Are you eligible? What are your rights to take unpaid leave?

Explain: Employees are eligible if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve month period. Full-time teachers are deemed to meet the 1,250 hour criteria.

You have the right to take unpaid FMLA leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The 12-week unpaid FMLA period starts on the 1st day of your period of medical disability and runs concurrently with other approved medical leave. The Board of Education has a right to thirty (30) days advance notice from the employee where practicable.

Description

Under the Family Medical Leave Act (FMLA), you may request up to twelve (12) weeks of unpaid leave. The 12-week FMLA period may be used continuously or on an intermittent basis based upon the physician's diagnosis and instructions to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth.
- To care of the employee's child after birth or placement for adoption or foster care.
- To care of the employee's spouse, son, daughter or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.
- Military Family Leave Entitlements.

The 12-week FMLA period is based on a calendar year not a school calendar, and runs concurrently with other approved paid personal or sick leave days, not in addition to. If FMLA is appropriate:

- There are notice requirements;
- Accompanying paperwork that must be completed by medical providers;
- This paperwork usually includes the medical documentation to determine your "period of disability" which determines the length of your leave; and
- Then this paperwork is reviewed and FMLA approved.

What is a "period of disability"? A period of medical disability which may result from a pregnancy is determined by your physician. This is the period from the first day you are absent from work and "medically unable to continue to perform your duties" related to your pregnancy until your physician determines "you are capable of resuming all the duties of your position." Typically, this consists of 6-8 weeks but can be shorter or longer based on your particular circumstances and the determination of your physician.

Can you be paid during this period of disability? Yes, you can be paid using your accumulated leave days during the period of medical disability ONLY. The 12-week UNPAID FMLA leave begins on the first day you miss work due to the pregnancy, counting by calendar days, and runs concurrently with other PAID leave days you have accumulated, counting by school work days.

During this period, your earned sick leave days are counted for actual school work days ONLY, not vacation, holidays, or snow days. Once this period is over, you would return to work or continue with your UNPAID Leave of Absence for the remainder of the 12-week period.

FMLA allows you to continue to pay health insurance at the employee rate, during the 12-week FMLA leave period. You will continue to be responsible for the employee portion of the premium.