**Information Regarding a Child Rearing Leave of Absence**

**Generally, what does FMLA entitle the employee?**

[The Family and Medical Leave Act](http://www.dol.gov/whd/regs/statutes/fmla.htm) **("FMLA")** provides, among other things, eligible employees with up to 12 work weeks of unpaid, job-protected leave a year for specified family and medical reasons, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

**What makes an employee eligible for FMLA Leave?**

Generally, to be eligible for FMLA leave, an employee must work for a covered employer and:

* have worked for that employer for at least 12 months; and
* have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and
* work at a location where at least 50 employees are employed

**What does FMLA leave entitle employees?**

A covered employer must grant an eligible employee up to a total of 12 work weeks of unpaid leave in a 12 month period for, among other reasons, the following:

* for the birth of a son or daughter, and to care for the newborn child within one year of birth;
* for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child within one year of placement;
* to care for the employee’s spouse, child or parent who has a serious health condition; and
* when the employee is unable to work because of his or her own serious health condition.

Spouses employed by the same employer are limited to a combined total of 12 work weeks of family leave for, among other reasons, the following:

* birth and care of the employee’s child; and
* for the placement of a child with the employee for adoption or foster care, or to care for the newly placed child

**How can I use sick leave for my maternity leave?**

* Complete and return to the District’s Business Office the issued FMLA paperwork prior to your leave of absence. The FMLA forms must be completed by your physician and indicate the amount of time you will be unable to work due to your own serious health condition resulting from giving birth to your child.
* Typically, doctors provide leave time of 6 weeks of rest and recovery for a traditional delivery and 8 weeks for a c-section delivery. If, however, there are complications that occur during the delivery that make it impossible, due to a serious health condition of the baby or the mother, for the employee to return to work within the period of time initially issued by the doctor in the FMLA paperwork, additional sick leave may be used if proper documentation is provided by the doctor.
* A doctor’s note will allow for use of sick time

**Will I receive credit of service toward longevity, or the annual salary increase during my leave of absence?**

* If the employee works for more than half of the school year when school is in session or takes a paid leave of absence for more than half of the school year (91 days or more), when school is in session, the employee is eligible to count a full year of credit toward seniority, longevity and receive the annual raise in accordance with the labor contract.
* If the employee works for less than half of the school year when school is in session, the employee is not entitled to receive any credit toward longevity and they will not receive the annual salary increase in accordance with the labor contract.

**What if the birth occurs during the summer?**

* The twelve work weeks of unpaid, job-protected leave a year will begin the first day employees within the unit report to work. For teachers this would be the first day they return to work as a collective group for paid days. This coming year that date will be August 31, 2015.
* However, use of sick leave is only permitted for an employee’s own serious health condition. Accordingly, if an employee’s doctor submits paperwork that the employee is unable to work for six weeks after the birth of the child due to the employee’s giving birth to the child, that time would commence at the time of the child’s birth.

**What child rearing leave am I eligible to receive under the Fillmore Teacher’s Contract?**

* Child rearing leave will be applied in accordance with the Teacher’s contract Appendix A, Leave Allowance Regulations #11.
* Child rearing leave is without pay or payment toward any fringe benefits by the district during the leave.
* Child rearing leave begins with the termination of any sick leave used in connection with the birth of a child.
* Child rearing leave may be granted up to two years.
* The Superintendent must be provided with 60 days of advance written notice by the employee who intends to take a child rearing leave