



# **Paternity Leave Packet**

Answers to Frequently Asked Questions about  
Paternity Leave, FMLA, and CFRA

# ***Congratulations!***

**We hope you will find the information in this packet a helpful tool in planning your paternity leave.**

**Personnel Services is here to assist you in explaining your leave options, answering all your leave questions, receiving all leave paperwork, and building your leave calendar. Please contact your Personnel Services Representative as soon as possible once you know you will be taking pregnancy or parental leave.**

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Please Note: This summary is intended to be an aid in providing employees who will be on Maternity Leave with possible leave options.

While every attempt is made to align this packet with current California and federal leave laws, it is important to remember these laws are ever-changing and information within this packet is subject to change without notice.

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# Paternity Leaves Options

## **District Paternity Leave**

The SLUSD offers district paid paternity/adoption leave for 1 or 3 days (depending on the bargaining unit - please check your bargaining unit agreement for more information). This leave runs concurrently with the leaves described below. However, employees using this leave will not have their sick leave docked for these days.

## **“Baby Bonding” Leave**

Under the **California Family Rights Act (CFRA)** the non-birth parent may request up to 12 weeks of leave after the birth of a child, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. The employee may choose to use sick leave or opt to have differential pay during this period. (Differential pay is the daily pay rate less the cost of a substitute.) If the employee opts to use accrued sick leave and does not have enough sick leave to cover the 12 week period, the sick leave will be deducted from the 12 weeks. After sick leave/vacation is exhausted, the employee will receive differential pay for the remainder of the 12 weeks.

## **Leave Beyond “Baby Bonding” Leave**

If an employee wishes to remain off of work to care for a child after “Baby Bonding” Leave has expired, unpaid leave can be requested. An employee can request unpaid leave by sending a written request to the Personnel Services Department. Upon receipt of the request, Personnel Services Staff will contact the employee to assist with the processing of the request. Please note that unpaid leave may affect the employee’s STRS/PERS benefits.

# Frequently Asked Questions

## 1. What is FMLA and CFRA?

FMLA stands for Family Medical Leave Act. FMLA allows employees to take up to 12-weeks of job-protected leave to bond with a newborn child or a child placed for adoption/foster care. CFRA stands for California Family Rights Act. CFRA is the California equivalent of FMLA and allows for 12 weeks of leave. CFRA and FMLA run concurrently. The District will send FMLA eligibility paperwork to you after you request your leave of absence. FMLA leave begins the first day you are off work and runs concurrently with depletion of sick leave (and vacation for Classified employees). FMLA also allows you to have the District continue contributions to medical and dental benefits. The employee still be responsible for his/her portion of the benefit cost. FMLA is limited to 12 workweeks every 12 months. The 12-month period is measured forward from the date of your first FMLA leave usage.

## 2. What if I want to stay out beyond the 12 weeks of FMLA?

You may request an unpaid leave by submitting a written request to the Personnel Services Department. Please be advised that you will not receive any salary or District-paid benefits during this leave. However, benefits may be purchased through the District.

## 3. Do I deplete my sick leave when I am on Paternity leave?

Employee have the option of using sick leave during this period of time. If you are a classified employee, you may also opt to use your vacation (certificated employees do not accrue vacation).

## 4. What happens when I run out of sick/vacation leave?

Both Certificated and Classified Employees are entitled to up to 12 weeks of differential pay (the difference between your salary and the cost of the sub or temporary replacement. The 12 week period runs concurrently with any sick leave or vacation used during this period of time.

## 5. Do I get paid during vacation and breaks or for district in-service?

Depending on your work calendar, the salary is divided over 10, 11 or 12 months so that you are paid an equal amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring break, etc.). You are, in reality, only paid for actual days you work when students are in class or when you are attending district in-service.

## 6. Do holidays or non-duty days count against my time off?

Non-duty days and holidays are not deducted from your sick leave balance. For purposes of FMLA and CFRA, if an employee takes a week of leave under FMLA or CFRA and a holiday occurs during the week, the employee has still exhausted a week of FMLA/CFRA leave. If school is closed, for instance for a vacation period during the winter holidays or over the summer, and you are not expected to report to work for one or more weeks, those weeks may not be counted against FMLA/CFRA leave.

## 7. What about my benefits?

Benefit coverage and district contribution will continue while you are out under FMLA, District contribution to your benefits will continue. If FMLA is exhausted and you have not returned to work, the District will not continue to cover the cost of your benefits and you will be responsible for the full premium of your benefits.

**8. How will my substitute be selected? Am I responsible for finding someone?**

The site administrator and Personnel Services will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Every effort will be made to grant your recommendation. Because our intent is to find the most qualified candidate, we cannot guarantee that your desired substitute will be chosen.

**9. Will my paternity leave affect achieving permanent status? (applies to certificated)**

Time taken for leave is calculated as if you are still in your position. However, you must be in paid status for a minimum of 75% of the year. If you take extended periods of unpaid leave, it could delay achieving permanent status.

**10. If I am a certificated employee and I take a long leave, do I get my school and grade back when I return?**

We try to place everyone in his/her first choice of school and grade but this is not a guarantee. On a short-term leave you will most likely return to the same class. It is important to remember that although FMLA and CFRA are "job-protected leaves," this does not mean you will return to the exact position you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential (for certificated employees) upon your return.

**11. I'm still confused, who can answer my other questions?**

The Personnel Services staff is here to help! This whole topic can be very confusing, as every situation is quite different. We strongly suggest you make an appointment with Payroll/Benefits to talk about how your salary and benefits may be affected if you plan to take FMLA or CFRA leave.

# LONG TERM CERTIFICATED SUBSTITUTE ORIENTATION

Listed below are items to discuss with your long-term substitute and/or your site administrator prior to your leave. Please note that not all of these topics will apply to every grade level. Please utilize what applies to you and your position and/or site.

1. Student information: health concerns, behavior, parent involvement (restraining orders); IEPs
2. Lesson plans: past plan book (material already covered), rest of the year plan (roughly), where to find all teacher's guides and student material, workbooks
3. Discipline routine: behavior expectations, class rules, rewards and consequences
4. Class routine: daily schedule; rules regarding bathroom use, sharpening pencils, and drinks; signal used to get students' attention; rainy days; emergency drills; roll call
5. Class list/seating chart
6. Yard duty responsibilities: where, when, what
7. Out of classroom activities: PE, music, computers, library
8. Prep period schedule
9. Grading procedures: grade book, report cards, grading system (percentage, letter grades, stickers, stamps), any portfolios
10. Homework policy: typical assignment, frequency
11. Birthdays: do you celebrate them, how? List of dates
12. Filing system
13. Student jobs/helpers
14. Special person of the week/month
15. Advice/procedures for minimum days or assembly schedule
16. State testing or upcoming events
17. Your telephone number or email and anticipated return date





**Comments:**