

Parental Leave

Know Your Rights!

What are the new laws concerning Parental/Bonding leave?

As of January 2016, all certificated employees now have the right to take 12 workweeks of paid parental or bonding leave. Employees are eligible for this leave if they have worked for the school district for one continuous school year. This law applies to mothers, fathers, adoptive parents, and foster parents. For mothers, this leave can begin once she has been certified to return to work by a health care professional, normally after her pregnancy leave period of 6 or 8 weeks (see the Pregnancy Leave KYR flyer for more information). For fathers/partners, the leave can begin upon the birth of their child, or any time within a year of the birth of their child but must conclude within a year of the child's birth. For adoptions or foster care placements, it can begin as soon as the child is placed with the parents, or any time within a year of the placement of their child but must conclude within a year of the child's placement.

How can I use this leave?

The leave can be used continuously, or intermittently, and can be split between two school years, but must conclude within one year of the child's birth or placement. Per the law, the minimum duration of the leave shall be two workweeks, except that employers must grant a request for a leave of less than two workweeks duration on any two occasions and may grant requests for additional occasions of leave lasting less than two workweeks. A workweek is based on how many days an employee normally works during a typical week (if an employee works all 5 days, then that is a workweek and they get paid for 5 days, if an employee only works 2 or 4 days a week, they get paid only for those days). Weeks where school is not in session do not count as workweeks. Holidays that fall during a workweek, however, do not impact the definition of a workweek, and that week still is considered one workweek, unless the employee is using this leave in increments of less than one week.

Is this leave paid? Do I get my benefits?

Pay is through utilization of the employee's accrued full and half-pay sick leave. If an employee exhausts their paid sick leave, then the district pays for the remainder of the 12 workweeks, at half-pay, at no cost to the employee. Benefits are maintained for the duration of this leave. This law replaces the paid leave options outlined in the union contract (second paragraph in Section 10.5), until SDEA and SDUSD negotiate new contract language covering parental/bonding leave.

Do I have more leave options?

The other option for members is to take an unpaid, long-term leave of absence for up to 5 years, for either parental and adoption leave, within a year of birth or placement of his/her child. This leave does not maintain an employee's benefits; however, it protects an employee's job for up to 5 years. After the first year of long-term leave, the employee is not guaranteed a spot at the employee's former site or program but is guaranteed a job in the district. Once an employee goes on unpaid leave of absence, they may be eligible for COBRA benefits. This leave must be renewed each year. See Sections 10.7, 10.9, and 12.8.1 in the union contract for more information.

Sources: SDEA Collective Negotiations Contract, July 1, 2014 – June 30, 2017 (Article 10, Sections 10.3.7, 10.5, 10.7; Article 12, Section 12.8.1); Education Code 44977.5

SAN DIEGO EDUCATION ASSOCIATION

www.sdea.net
(619) 283-4411

