

Pregnancy Leave

An overview of Pregnancy Leave

The California Pregnancy Disability Leave (PDL) Law requires employers to provide up to 4 months of leave for employees who are disabled by pregnancy, with or without pay. However, certificated employees are eligible under the union contract to receive paid leave before and after their delivery, through use of their accumulated sick leave, and up to an additional 100 work days of half-pay sick leave once they exhaust their full-pay sick leave. That means if an employee has a disability relating to pregnancy before or after the delivery, she can use all her full-pay sick leave, and then up to 100 days of half-pay sick leave, if she has a doctor's note. Unless there are complications, physicians generally release an employee for 4 weeks of pregnancy disability leave prior to the due date, then for 6-8 weeks to recover after the delivery, depending on the type of delivery (vaginal (6 weeks) versus C-Section (8 weeks)). When the leave begins will be determined by the employee's health care professional.

How does Maternity Leave fit into this?

SDEA negotiated maternity leave in 2018. Mothers who deliver a child are entitled to 3 workweeks of pay, at district expense (you do not need to use your sick leave) from the date of delivery. This paid leave would happen within the 6 to 8 weeks of PDL.

What if I need more time?

There are a variety of other leave options under the union contract, if there is a medical necessity for such leave. These leaves would need a doctor's note as well. After exhausting full and half-pay sick leave, she can use up to 60 work days of Family Care Leave. This time is not paid but maintains her benefits. If the employee still requires medical leave, she has the right to take up to 5 years of unpaid long-term health leave. After the first year of long-term leave, she is not guaranteed a spot at her former site or program but is guaranteed a job in the district. This leave is both unpaid and without benefits.

What about time off to bond with my baby?

If there is no medical necessity, but an employee wants to bond with a child, state law allows for paid bonding leave. Please refer to the Parental Leave KYR flyer for more information.

What if I have my child during a break period?

Paid leave (including maternity leave) only covers the days the employee would normally have been scheduled to work. Most employees are only scheduled and paid for 184 days of work per school year, between August and June. If the need for leave is during these workdays, the employee can be paid by utilizing all sick leaves, maternity leave, or vacation leave (ECE teachers only). If the need for leave falls outside of the work year, the employee is not missing work, and therefore does not need to use leave to get paid for days missed from work. If you are scheduled to work an intersession or summer school assignment, you can use leave in accordance with the union contract.

Do educators have access to disability insurance?

Most educators do not pay into, and therefore do not receive, state disability. However, SDEA/CTA offers a supplemental disability insurance plan through The Standard to union members only. Any time an employee is receiving less than full-time pay, or no pay, and is out on leave for her own approved medical or health-related reason, she can collect salary replacement benefits from The Standard. Contact The Standard at 800-522-0406 or visit the CTA member benefits page (www.ctamemberbenefits.org) for more information about enrollment in their disability plan. You must be a union member to receive access to this important benefit, so make sure you are signed up well in advance of your pregnancy.

Sources: SDEA Collective Negotiations Contract, July 1, 2017 – June 30, 2012 (Article 10, Sections 10.2, 10.5.1, 10.7, 10.19.; Article 17, Section 17.3, 17.9; Appendix E, Sections 2.015, 2.026); California Pregnancy Disability Leave Law; Family Medical Leave Act; California Family Rights Act, Education Code Section 44977