



DATE: September 22, 2018

TO: All District Employees

FROM: Acacia Thede, Executive Director, Human Resources

SUBJECT: **IMPLEMENTATION OF MATERNITY LEAVE**

### **Background**

In the Spring of 2018, the District and bargaining units agreed to provide a new type of leave for mothers who have given birth. Effective July 1, 2017, employees who give birth will be granted three consecutive workweeks of maternity leave immediately upon the birth of her child.

Prior to this leave entitlement, birth mothers were required to use their sick leave in order to receive pay while on a leave following the birth of a child. In the state of California, unused sick days may be converted to service credit (see [STRS](#) and [PERS](#) websites). This meant women who have given birth were negatively affected as they have less unused sick days available to apply upon their retirement. For this reason, maternity leave can only be accessed by mothers who give birth.

### **Maternity Leave**

Maternity leave is a new leave entitlement for birth mothers employed by the San Diego Unified School District. This leave entitlement is separate from other contractual and statutory leaves available to new mothers.

Employees who have been employed for at least 12 months shall be granted three (3) consecutive workweeks of leave with pay immediately following the birth of her child.

If you have given birth between July 1, 2017 and June 30, 2018, please contact your Payroll Specialist for next steps.

If you give birth July 1, 2018 and after, you will complete a Maternity Leave form at your site or department and provide it to your timekeeper.

We have attached frequently asked questions to this notification; additional information and forms are located on our website: <https://www.sandiegounified.org/forms-0>

## **FREQUENTLY ASKED QUESTIONS IMPLEMENTATION OF MATERNITY LEAVE**

### **Background**

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#### **1. What is “maternity leave?”**

Maternity leave is a new leave entitlement for birth mothers employed by the San Diego Unified School District. This leave entitlement is separate from other contractual and statutory leaves available to new mothers.

#### **2. Which employees are eligible for maternity leave?**

Employees who have been employed for at least 12 months shall be granted three (3) consecutive workweeks of leave with pay immediately following the birth of her child.

#### **3. How does maternity leave differ from the other types of leave available to new parents?**

Maternity leave is in addition to other leaves available to birth mothers. Employees do not have to use their sick leave or vacation balances to remain in paid status when this type of leave is utilized (see [Parental Leave Chart](#)).

#### **4. How do I determine if I have met the 12-month eligibility requirement?**

To be eligible for maternity leave, you must have worked for the district for at least 12 months. For instance, if a first year probationary employee is employed on September 1 of year one, she would become eligible on September 1 of year two even if she did not work over the summer break.

#### **5. How much maternity leave am I entitled to as an eligible employee?**

Employees who have been employed for at least 12 months shall be granted three (3) consecutive workweeks of leave with pay immediately following the birth of her child.

#### **6. What benefits and salary will I receive under maternity leave?**

While using maternity leave, employees will receive their regular rate of pay for three (3) consecutive workweeks immediately following the birth of a child. Benefits remain in force during this leave period.

**7. If my baby is born at the end of the school year and I only have one week of work in my calendar, what happens to the other two weeks of maternity leave? Can I use those two weeks at a different time?**

No, the three (3) weeks of leave must be taken consecutively and immediately following the birth of the child. If the child is born during a time that the employee is off calendar, furlough or otherwise not required to work, this leave may not be utilized. In the example above, the employee would be able to use 5 days of maternity leave before her work year ends.

**8. Can maternity leave benefits be used intermittently or must they be used in one continuous period?**

Maternity leave must be taken in one continuous period in the three (3) workweeks immediately following the the birth of a child.

**Retroactive application of the Maternity Leave benefit  
(for births between July 1, 2017 to June 30, 2018)**

**If I gave birth between July 1, 2017 and June 30, 2018, how does the maternity leave benefit work? Am I still eligible?**

Yes, you may utilize this maternity leave benefit. You will first need to obtain certification from your physician certifying the birth of your child. You will then complete the Maternity Leave form and provide it to your payroll specialist by November 30, 2018. Finally, you will be provided the benefit in one of the following ways:

- a. Restoration of sick leave. If within the three weeks immediately following the birth of your child you used your full salary sick leave, this leave will be restored to your balances.
- b. Half-pay sick leave and unpaid leave. If within the three weeks immediately following the birth of your child you went into half-pay sick leave and/or unpaid status, you will be paid for what would have been covered under this benefit.
- c. Half-pay sick leave and unpaid leave with supplemental disability payments through a third-party insurance carrier (e.g. The Standard, AFA, etc.). If within the three weeks immediately following the birth of your child you went into half-pay sick leave and/or unpaid status, you would be paid for what would have been covered under this benefit by the District. If you received disability payments through a third-party insurance carrier and are paid this benefit by the District, you may be required to pay back some or all of what was paid to you by the carrier.
  - i. How would I know if I am required to pay back any disability payments received from a third-party insurance carrier? Please submit your leave request form to your payroll specialist. With the submission, please indicate if you received disability payments and from which carrier.
  - ii. How will I know what the insurance carrier's response is? Payroll will submit to the third-party carrier, information regarding the new leave entitlement along with your request for review of what was paid and what might be owed back to them. The insurance carrier will then contact you to discuss your options and will notify the District of the result. Upon that notification, payroll staff can calculate what compensation is owed to you.