



So You're Expecting a Baby

A Guide to Leave and Other Contract Provisions

Courtesy of the Waterford Education Association

Congratulations at this very special time! There are many things to consider as you approach your leave. The master agreement between the WEA and WSD Board of Education has several provisions governing maternity disability, adoption and childcare leaves. It's often confusing when trying to apply these provisions to an individual's particular situation. For example, the timing of your baby's birth/adoption and your status as a probationary or tenured teacher may affect the length of your leave, your pay and your health benefits. In general, there are two types of leaves available to expectant teachers:

- Paid leave
- Unpaid leave

Both paid and unpaid leaves may be affected if an individual opts to exercise their Family and Medical Leave Act (FMLA) rights. Under the provisions of the FMLA, the first six or eight weeks (as verified by your physician) may be paid and the remainder of your leave up to a total of 12 weeks will be unpaid.

It's important that you contact WSD Human Resources at

248 706-4871 at least thirty days prior to your estimated due date or date of adoption and let them know what your plans are. It is also important that you provide Human Resources with information regarding the actual beginning of your leave as well as the actual date you intend to return to work in a timely fashion. If you intend to return from leave earlier than you originally planned, you must notify HR. If HR's interpretation of your leave rights differs from your own, contact the Waterford MEA office at 248 666-9100 and speak to WEA President Troy Beasley or to the Waterford C.C. Executive Director Mark Walton.

Paid Leave

Maternity disability must be treated as any other disability under state and federal statute. Therefore, you may

use sick leave days for any maternity disability (pre or post delivery) assuming that your disability period occurs during the school calendar and you have a doctor's excuse. While six to eight weeks for childbirth is customary, tenured teachers in the WSD may have up to six months of paid leave for maternity disability as determined by their physician. Probationary teachers may use their accumulated sick days for maternity disability.

Master Agreement Article XIII, Section A.

1. f) Sick leave shall be granted to probationary teachers on the following basis:

First year of Probation	12 days
Second year of Probation	15 days
Third year of Probation	16 days
Fourth year of Probation	18 days

Unused days may be accumulated each year. If an employee uses all of his/her sick leave in the early part of a school year, it is presumed he/she will complete the school year; if the teacher does not complete the school year, he/she shall return the money paid for sick days not yet earned.

Probationary teachers are eligible for sick leave only after they have worked for at least one day in the school year.

1. g) Sick leave for tenured teachers for long term illness or injury is granted at the full salary earned at the time of illness or injury for up to six (6) calendar months from the date of the injury or sickness, as verified by a physician's statement.

2. a) A teacher shall be allowed up to five (5) school days, as may be required for a very critical illness, or death, in the immediate family. "Immediate family" is defined as mother; father, brother, sister, spouse, son or daughter.

2. c) A teacher shall be allowed to take up to three (3) school days a school year for emergency illness in the immediate family, which requires the teacher to take the immediate family member to the doctor or hospital. A teacher may use up to three (3) non-consecutive half-days of the total three (3) days for emergency home care of his/her children.

Unpaid Leave

Under the provisions of our contract, you have the right to take an unpaid leave of absence for up to one year for maternity or adoption. If you elect to take such a leave, the WSD does not pay your health benefits, your seniority does not accrue, and you do not receive retirement credit for the time you are off.

Article XIII B. 4. Maternity, Child Care and Adoption

a. A leave of absence without pay shall be granted for up to one year for the purpose of maternity or adoption. It may be renewable annually upon approval by the Board. The application for such leave shall be received by the Assistant Superintendent for Human Resources no later than sixty (60) calendar days prior to the effective date of such leave and shall include a statement of the exact date on which the teacher wishes to terminate her teaching.

b. The teacher may continue teaching as long as she can continue her regularly assigned responsibilities. The Board may require a doctor's statement(s) to this effect.

c. A teacher on leave under the above conditions who wishes to return to duty shall file a written request with the Assistant Superintendent for Human Resources at least sixty (60) calendar days prior to the date she wishes to return to teaching or prior to the end of the leave. The Board shall not be required to return the tenured teacher to employment except at the beginning of the semester. The probationary teacher shall be returned when a position for which she is certified and qualified is available. The teacher may be required to furnish a physician's statement indicating that her health permits her to resume the full responsibility of teaching.

d. A leave for adoption of a child shall begin at a mutually agreed upon time between the Board and the teacher.

e. If a teacher does not comply with the above conditions, the right to such a leave and/or the right to return may be denied by the Board.

Family and Medical Leave Act (FMLA)

After a full year (at least 1250 hours) of active employment in the WSD, you will be eligible for an unpaid, job-protected FMLA leave of up to twelve (12) weeks. An FMLA leave will be granted for any of the following reasons:

- For birth of your child, and to care for the newborn after birth;
- For placement with you of a son or daughter for adoption or foster care;
- To care for your spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that renders you unable to perform your job.

Once your doctor has determined that you are no longer disabled (usually about six weeks post partum for a normal vaginal delivery or eight weeks for caesarean section), you may have the option of extending your leave under the provisions of the FMLA.

The Board may require that you exhaust all paid leave entitlement as part of the mandated twelve (12) week leave period. In other words, FMLA allows you to take a total combined (paid and/or unpaid) leave of 12 weeks. In the WSD, your FMLA leave time of twelve weeks begins on the first day of absence. Scheduled vacation periods of a week or more should not be counted against your twelve weeks of FMLA leave entitlement.

Seniority shall continue to accrue during the FMLA leave. Health benefits shall be continued for the entire 12 weeks under the same conditions and at the same level as if the employee were at work. If the employee returns immediately after the twelve weeks of leave, he/she will return to the same position held prior to the leave or to an equivalent position. If the leave continues for longer than twelve (12) weeks, the employee will return under the conditions stated in Article 13, B. 4. c of the Master Agreement.

If you are taking FMLA for the birth or care of a child, you are required to give your employer 30 days notice.

For all FMLA leaves, a request form and physician's certification form must be completed. These forms are available from WSD Human Resources.

Fringe Benefits

There are two health plans available to WEA members. Teachers hired on or before July 1, 2004 are eligible for MESSA Choices PPO. Teachers hired after July 1, 2004 are enrolled in MESSA Tri-MED POS until they earn tenure. For information or assistance about your plan please call:

MESSA Choices or Tri-Med: 800 292-4910

Be sure and add your new child to your insurance benefits by calling

Sara Konieczka in the WSD Benefits office at (248 682-0558) within thirty (30) days of your child's birth.

Long Term Disability Insurance (LTD) According to our master agreement, the Board provides an LTD policy for teachers who work thirty (30) or more hours per week. The LTD policy provides monthly income protection in the amount of sixty percent (60%) of 1/12 of the teacher's annual contractual salary. This benefit shall begin six (6) months after the date of illness or injury. The benefit extends until age 65, death, or the teacher is declared able to return to work full time. Under our MESSA LTD policy, teachers covered by MESSA health care will have their premiums fully paid for up to two years while on LTD. Contact

Sara Konieczka in the WSD Benefits office (248 682-0558) for more information.

Short Term Disability Insurance (STD) Probationary teachers may, if they choose, purchase MESSA short term disability insurance. Purchase of STD would provide an income stream in the event you exhaust your sick days before you're physically able to return to work. According to our master agreement, the WSD will contribute \$18.00 per month in 2006-07 toward the purchase of STD. Contact

Sara Konieczka in the WSD Benefits office (248 682-0558) for more information.

Probationary Periods

If you are still in your probationary period (four years for those who have never achieved tenure previously, two years for those with previous tenure), your leave, paid or unpaid, may have the effect of lengthening

your probationary period. Example: A new teacher in a four-year probationary period teaches for 3-1/2 years and takes January-June off in the fourth year. The probationary period may continue into the fifth year equal to the amount of leave time taken.

Salary Schedule Credit

If you are not at the top step of the salary schedule, taking an unpaid leave could affect your salary schedule advancement.

Article III A. 2. Teachers employed more than half time will advance a step on next year's salary schedule. Those employed half time or less will advance every two years.

Job Share/Part-Time Positions

Some teachers wish to reduce their work time after their child/children is/are born. In Waterford, we do not have a contractual job share provision. You may request a part-time position but placement is entirely up to the District. Keep in mind that in a part-time position the District will only pay for a pro-rated share of your fringe benefits.

Dads Count Too!

While fathers aren't eligible for maternity disability (for obvious reasons), they are able to use paid leave to be with their spouse during childbirth.

Article XIII A. 2. C) A teacher shall be allowed to take up to three (3) days a school year for emergency illness in the immediate family, which requires the teacher to take the immediate family member to the doctor or hospital. A teacher may use up to three (3) non-consecutive half-days of the total three (3) days for emergency home care of his/her children.

Both FMLA and unpaid leaves (as described earlier) are available to fathers.

Professional Development Requirements

If you are in your first three years of classroom teaching, you must complete 15 days (90 hours) of professional development (new teacher induction). In addition, each teacher is required to complete 5 days (30 hours) of professional development annually. According to the master agreement, "part-time

teachers' professional development hours will be prorated."

COBRA

The Consolidated Omnibus Reconciliation Act (COBRA) requires certain employers with 20 or more employees to continue to offer coverage in their group health plan to certain former employees, retirees, and spouses, and dependent children. COBRA rights also apply to employees on unpaid leaves of absence. Under COBRA, an individual may extend their health coverage for up to eighteen (18) months. During that time they are required to pay the entire group rate month premium necessary to maintain coverage.