

Childcare—Frequently Asked Questions (FAQs)

Q. Who can help me with my letter of notification?

A: The Association has form letters that you can use to:

- draft your initial letter of notification to the District regarding your pregnancy and leave; and
- extend your leave within the two (2) years granted for members.

Download these letters from the *Forms, Form Letters & FAQs* page at www.vcta.net and/or ask your building representative for help. You must submit your initial leave letter to the District at least four (4) months before the leave begins, although you can notify them earlier. If your initial leave request was for less than two years and you decide to extend your leave, you must submit the childcare leave extension letter at least two (2) months before the initial leave expires.

Q. How much of my accumulated sick time can I use to cover my absence due to pregnancy and delivery?

A: You can use your accumulated unused sick time for any time during your pregnancy that your doctor finds you unable to work. You can also use your sick time to cover the 6-8 weeks following delivery that you remain at home to recover. (NOTE: These weeks are counted by calendar date, not by school days; days off and snow days do not count against your accumulated sick time). You do need to provide a note to Human Resources at CO for extended periods of time (i.e., 5 consecutive days of absence). If your doctor advises you to stop work before the delivery, you will need a note from your doctor to cover the time of absence before the delivery and then another covering the time following delivery. If you leave on your Estimated Date of Delivery but don't deliver until two weeks after, you can use your sick time to cover that time, since your doctor has provided a note. The 6-8 weeks of recovery time granted for delivery of a child follows the actual delivery date, not the estimated date of delivery. If there are complications and you have run out of sick time before the end of the 6-8 week period after delivery, members can utilize a provision in Article XXII, *Additional Compensation for Sickness*, which states the following:

- Beginning with the ***fourth year of service***, a teacher who shall have used his total accumulative sick leave ***shall be paid the difference between his salary and that of the substitute*** in cases of extended period of illness for a period not to exceed one year beyond the exhaustion of all accumulated sick time.

Q. What is Child Care Leave and how is it different from sick time?

A. Members who choose NOT to return to work following the 6-8 week period after the delivery of a child can utilize childcare leave. Childcare leave is ***unpaid*** time off work to care for a child. The member's pay will be prorated, which means she will be paid for the amount of time/days she has actually worked and/or the days she has enough accumulated sick time to cover within the 6-8 week recovery time. After this, members must use unpaid childcare "leave" time to remain home with their child. A position (not necessarily the same position) will be held for the member on leave; however, the member is not entitled to be paid, nor is the member entitled to benefits after FMLA time has elapsed. You may use up to two years of childcare leave. Childcare leave will begin following the last day of sick time coverage. Reminder: if the initial childcare request was for one (1) year and the member wishes to extend the leave for another year to maximize the two year childcare leave

permitted, she must submit a written request to the district at least two months before the initial leave ends. For example, if the initial leave ends June 30th, a childcare extension request must be submitted no later than April 30th (see Article XXII).

Q. What is Family Medical Leave?

A: The Family Medical Leave Act (FMLA) is a federal law that provides for twelve (12) calendar weeks of continuous medical coverage during a period of leave. The law permits FMLA to run concurrently with sick time. Therefore, FMLA begins with the utilization of the first sick day. If a member's sick time utilization begins with delivery, assuming six (6) weeks of sick time was utilized after the during and after the delivery, the member will still have six (6) weeks of FMLA time at the beginning of her childcare leave. If a member ends work before her delivery date, FMLA would begin at that time and run for twelve calendar weeks from that date. After the FMLA coverage has ended, members will need to pay for their full insurance premium for continued coverage. The member will pay the full monthly cost for the plan she has elected, (e.g., OUSDHP, NYSHIP, MVP, Empire). Members will pay the District monthly until the childcare leave ends. If the leave ends on June 30th, the District will pick up the insurance for July and August preceding the school year that you return. If the buy-out is utilized, members will receive a prorated portion of the buy-out during FMLA coverage and starting July 1st if the leave ends on June 30th.

Q. If I am non-tenured, how will my leave affect my position?

A: Members receive tenure based on three working years (i.e., 30 months of service to the district) from their date of hire, NOT calendar years. Therefore, it will take more calendar years for members who utilize childcare leave to reach the necessary 30 months of service to be granted tenure. However, pregnancy and leave are not reasons for dismissal. In fact, if a member was to lose her job based on those reasons, legal action could be taken against the district.

If you have any further questions, please contact the union office.