

## **Childcare Rights Letter From VCTA Offers to Members**

Dear Member:

Congratulations on the upcoming birth of your child! The purpose of this letter is to help you understand the documentation you should be receiving within a month of sending your letter to CO. If you do not receive the following documentation within a month, please contact union office. If you are using sick leave only (i.e., not utilizing childcare leave), you may not receive an acknowledgment letter or documentation from the district since no BOE approval was necessary for your requested sick leave.

### **Sick Time Only**

If you are utilizing only sick time to cover the time your doctor finds you unable to work [typically six (6) *calendar* weeks\* from the birth of the baby for normal delivery and eight (8) *calendar* weeks\* from the birth of the baby for C-section]; you will need to do the following:

Provide a doctor's note after the baby's birth to CO. This note should be sent in a timely fashion (within 3-5 days if possible). You may ask the secretary of your building to call CO and inform them when you call your building to let them know about the birth, but you still need to have a note for CO. This not can be faxed to CO—Human Resources Fax: 457-4456. If you send the note via mail service, please keep a copy and note the date that you sent it for your records. If you call CO or your building, also note the date of the call and who you spoke with.

If you have enough sick time to cover the days you will miss work due to your delivery and recovery, you should continue to receive your regular paycheck/ benefits while you are out. There will be no BOE approval of these sick leave days because you are simply using sick time. You may be expected to provide sub plans since this is what is typically expected when utilizing sick time. You simply return to work at the end of the 6 (or 8) week period.

*\*Calendar weeks are counted from the baby's birth date. You may only use sick time for the days that fall into that range. For example, a child delivered normally on June 10<sup>th</sup> would entitle the mother to use sick time only until the end of that school year. The six weeks would end during the summer months. They do not carry into the following September.*

### **Child Care Leave**

Childcare leave begins when sick time ends. You will still need to provide a doctor's note after the birth of the baby. You may take up to two years of childcare leave. If you do not initially request two years of child care leave, you may extend your childcare leave within those two years from its beginning provided you request the extension within two months of the leave's end.

Childcare leave is unpaid time off while a position is held. The contract guarantees a similar position upon returning to work from childcare leave, not necessarily the same position. For example, an elementary (K-6) teacher may be placed in any position/grade level within their tenure area in any building when s/he returns from the leave. A secondary (7-12) English teacher may be assigned to any level of English (7-12).

## **Pro-Rations**

If you are using sick time during part of a school year and then using childcare leave, your salary will be pro-rated. In other words, it will be broken down into a daily (per diem) rate of gross pay and then calculated for the actual number of work and sick days you have coverage for.

If a member has not accumulated enough sick days to cover all of the sick time permitted within the six to eight calendar weeks, then either of the two following scenarios can occur:

- If she has less than four years of service to the district, then she would only be entitled to compensation/benefits for the number of sick days she accumulated to date.
- If she has four years of service to the district, she would be entitled to additional compensation for sickness (Article XXII). This additional compensation is equal to the difference between her daily rate of pay and the substitute's pay for the days that she would have otherwise been entitled to.

If your doctor finds you unable to work prior to the birth of the baby, you will need to file a note (over 5 consecutive days) for this absence and another note when the baby is born. Again, Article XXII will apply should a member run out of accumulated sick time provided she is in her fourth year of service to the district.

A month after submitting your letter to the district you should expect to receive an acknowledgment of BOE approval for your leave. It should indicate your last day of sick leave coverage based on your estimated date of delivery and your FMLA coverage (Family Medical Leave Act). You should also expect to receive a spreadsheet indicating the pro-ration of your salary for either the rest of the school year or the next school year if the leave will extend into the next school year. FMLA guarantees continued insurance coverage for 12 weeks beginning with the birth of the baby. Therefore, the district will provide health insurance coverage during these mandated 12 weeks. The member will still be responsible for the employee health insurance contribution as specified in Article XXV as well as any additional premiums that exceed the OUSDHP premiums during these 12 weeks. At the end of this 12 week FMLA period, you will need to pay for the entire cost of the premium of your health plan until you return to work. This payment will be due the 15<sup>th</sup> of each month prior to the month being covered. To clarify, if you are paying for coverage beginning in December, the payment will be due by November 15<sup>th</sup>. Contact the VCSD Business Office to get the details regarding how the check should be made out. If you receive the buy-out, it will be pro-rated according to the months you have FMLA coverage.

Your first pro-ration will be based on the estimated delivery date that you provided. If the baby is born later or before that date you can expect to receive an adjusted pro-ration based on the actual birthday.

If you have any questions or concerns regarding your leave or would like your pro-ration checked or explained, please do not hesitate to contact the union office.