

Woburn Public Schools: Maternity & Paternity Guide for Teachers



Do you have a question about your upcoming Maternity/Paternity Leave?

Well, you've come to the right place.

Just ask the Maternity Matron!

Dear Soon-to-be-Parent,

Congratulations! We are sure you are very excited about your bundle of joy on the way. We have assembled a user-friendly guide based on our current contract and the sometimes 'sticky' language therein. We have put it together using a question and answer format so you can come up with the best option that will suit your needs as a new parent.

First, below is the actual language written in our contract that specifically speaks to Maternity/Paternity Leave:

ARTICLE X, SECTION D (pg. 22)

1. A pregnant teacher, a teacher who is adopting a child under the age of eighteen (18), or under the age of twenty-three (23) if the child is mentally or physically challenged, or a male teacher who is becoming a parent, may elect a short-term (eight weeks of unused sick days) maternity/paternity leave. Said teacher shall provide at least a two (2) week notice prior to the anticipated beginning of the leave.
2. In lieu thereof, a pregnant teacher may elect a long-term maternity leave. Said teacher shall provide the Superintendent with a thirty (30) day notice prior to leaving. A teacher electing such leave may return to her teaching duties at the start of a school year within fifteen (15) school months after the birth of her child. A teacher will be considered for early reinstatement according to her ability and experience and the existence of a teaching position for which she is qualified. If the teacher on such leave is actively employed as a teacher by the Committee for more than 90 days of the school year during which the leave is taken, she will be placed on the next step of Salary Schedule on September 1 of her return to active employment. The teacher will retain any previous professional status, retirement and sick leave rights.
3. All language under federal law, "Family and Medical Leave Act" (FMLA) will be complied with. [FMLA requires employers to provide up to 12 weeks of unpaid leave (female or male) to care for a newborn, adopted or foster child.]

So, what does all this mean in simpler terms?

Question 1: What is a short-term leave? What do I have to do if I want to take one of those once my baby is born?

A short-term leave is defined as forty school days (or eight school weeks) of leave time. You can apply for this leave up to two weeks prior to your anticipated leave. You can take up to forty school days **WITH PAY** provided you have the time available in your own personal sick time. If you do not have forty days accrued in your own personal sick time, you can take what time you have WITH PAY, and take the remainder of the forty days **WITHOUT PAY**, but you must **APPLY FOR THE FAMILY MEDICAL LEAVE ACT TO PAY 20% OF YOUR INSURANCE.**

Question 2: What happens with my health insurance if I am on UNPAID LEAVE?

If you are on **UNPAID LEAVE** and you have health insurance through the City of Woburn you will need to send a check to the Business Office every two weeks for the amount of your health insurance that would typically be deducted from your paycheck. A letter will be sent to you explaining your options after you apply for FMLA (see sample letter attached at the end of this packet).

Note – *It is recommended that you leave some days available in your own sick time. New babies and parents often get sick and you will want days available to attend to the needs of your new family demands. You might want to state in your letter that you are saving days to use when you return.*

Question 3: What are my options if my baby is born in June, July or August?

If a child comes in June, July or August a teacher may take the remainder of an eight week leave in September if he/she wishes, provided there are days remaining in both his/her allotted leave and his/her personal sick time.

Question 4: What is a long-term leave? What do I do if I want to take one?

A long-term leave is defined as an unpaid leave of up to 15 school months. This type of leave requires a 30-day notice. You must inform all interested parties in writing on or around 30 days before your intended leave. You will also be able to keep your current classroom if you return on/or before the 15 months.

Note- *You must be teaching for more than 90 school days of the academic year in order to move to the next step on the pay scale. If you have worked less than ninety days, you will remain on the same pay scale for the previous academic year prior to your leave.*

Question 5: What if I am a new father? What are my options?

What is good for the women is good for the men. However, most men opt to take a two week leave paid out of their own personal sick time. (Women: you also have the option of a two week leave but we have found that many women enjoy more time than two weeks.) You must inform all interested parties of your intended short-term leave in writing two weeks prior to your anticipated departure date. If you opt for a long-term leave more lead time is necessary. You also need to call the Substitute Caller, Heather Maguire, to inform her that your classroom is in need of coverage. Again, you must have this time in your own personal sick time in order to take it! Heather Maguire's phone number is 781-935-2869.

Question 6: What is the Family Medical Leave Act? How do I take advantage of this if I wish to?

The Family Medical Leave Act is a federal law that must be complied with by businesses. The Family Medical Leave Act allows you to take up to 12 weeks unpaid. If you are on health insurance with the City of Woburn, you must send a check to the business office (made payable to the City of Woburn) every two weeks for the amount of your health care coverage that would have been deducted from your check. After the 12 weeks, you will need to go on COBRA. This can be a pricey endeavor and we would encourage you to carefully weigh the options of what COBRA entails. See FMLA documents attached.

***Business Office
55 Locust Street
Woburn, MA 01801***

The following information is true for all leaves:

- For all of the leaves discussed in this packet, you must **write and send a letter** to the following people:
 - ❖ the Superintendent of Schools (*Mr. Mark Donovan*)
 - ❖ your Building Principal
 - ❖ Assistant Superintendent for Finance & Operations (*Mr. Joseph Elia*)
 - ❖ any other departments who rely on your service (Special Education, the Guidance Department, etc...)

- You are asking for approval of your intended leave; it does not necessarily have to be granted. As with all things in life, ask nicely. Be sure to state you are “requesting” a leave “on or around (insert date here)”. Also note that you may not get an approval in writing from any or all of the above individuals/departments so if you are a “Nervous Nellie” it may be best to follow up with a phone call or email.

- You cannot take any of these leaves if you are in your first year of employment with Woburn Public Schools. This is stated in the FMLA.

- You cannot apply to the sick bank for maternity/paternity leave time.

- When counting the days of either type of short-term leave (two weeks or eight weeks) do not count snow days, emergency days or holidays.

- Remember to call the Assistant Superintendent for Finance (*Mr. Joseph Elia*) to add your child’s name to your health insurance policy. Also, send a copy of the birth certificate as soon as possible so that the pediatrician visits will be covered immediately.

Please call or email with any question or concerns you might have concerning your leave. I hope you found this guide helpful and wish you all the best!

Marybeth Connors, mconnors@woburnpublicschools.com

Wyman Elementary Kindergarten

Cell Phone Number: (857)-472-4222

Anitra Brodeur at the Kennedy Middle School also very helpful. abrodeur@woburnpublicschools.com

Updated by Katie Daubman WMHS

**Continuation of Health Benefits for Employees Eligible for Family or Medical Leave
Under FMLA**

Frequently Asked Questions (Adapted from Mazonson Inc.)

1. When is the family and medical leave act (FMLA) effective?

The act is effective August 5, 1993.

2. How long are employees eligible for?

Employees are entitled to a total of 12 work weeks of family or medical leave during any 12 month period.

3. Under what conditions is an employee eligible for leave?

- The birth of a son or daughter and in order to care for this son or daughter within the first 12 months of life.
- Placement of a son or daughter with you for adoption or foster care, within the first 12 months of placement.
- In order to care for your spouse, son, daughter or parents, if this person has a serious health condition.
- Your own serious health condition that makes you unable to perform the functions of your position.

4. Which employees are eligible for leave?

Those who have been employed for at least 12 months and have at least 1,250 hours of service during the previous 12 month period.

5. Which employers are subject to FMLA?

Those employers employing more than 50 employees during 20 or more work weeks in the preceding year are subject to FMLA.

6. Must employees be paid during a family or medical leave?

An employer may give the option to utilize or require that an employee substitute paid leave time (accrued vacation, personal leave, family leave, medical or sick leave) for any part of the 12 week period, but the employer is not required to pay in situations in which he would not normally provide paid leave.

7. What is the definition of “health benefit plan” for purposes of FMLA?

This section of the law is not clear. FMLA refers to Section 5000(b) (1) of the Internal Revenue Code. This section of the code provides a broad definition of group health plans and includes all types of arrangements for the provision of health care (directly or otherwise), such as insured, self-insured, on-site facilities, and flex benefit plans.

8. Are dental and vision coverage to be included in the continuation of a health benefit plan as required under FMLA?

Yes, we believe so. We believe that it is reasonable to use the same definition for group health plans that has been developed under COBRA laws.

9. Can the coverage be terminated retroactively to the beginning of the leave if an employee does not return from leave?

No. The FMLA requirement to continue an employee's health coverage is not contingent on the employee's return from leave. If an employee does not return from leave, and the reason for not returning is not for circumstances beyond the employee's control, you have a right to be reimbursed by the employee for the portion of premium you paid for continuing health coverage. This reimbursement must be arranged between the employee and the employer.

10. What if the employee does not pay his portion of the premium during the leave?

You must submit premium to your insurance carrier to maintain health coverage as required under this law. A mechanism for collection of contributions must be determined between you and your employee. In the event an employee on leave does not pay the required contributions for coverage as agreed, it would appear coverage could be terminated, if you would do so for an active employee. This should be verified with your own legal counsel. How long a grace period you should give your employee before terminating coverage is an open question to be dealt with in regulations.

11. Must newly acquired dependents be added to coverage continued during a leave?

Yes. Coverage is continued under the same terms and conditions it would have been continued if the employee were not on leave.

12. Can employee health benefit contributions be increased for a person on leave if the increased contribution applies to active employees as well?

Yes, if the increase applies to all persons covered under the plan.

Focus on Benefits - Sedgwick Consulting Group

Vol. 3 Issue 8, 1993

Family & Medical Leave Act Rules – Part I & II

New Labor Department rules explain employer obligations in providing health and other benefits to

employees taking leave under the Family and Medical Leave Act (FMLA)

This issue of Focus on Benefits addresses the FMLA's general requirements, including which employers must comply, which employees are eligible and how leave is to be administered. It also focuses on treatment of health benefits and other benefits under FMLA, and provides the text of the notice of employees' rights which employers must post.

FMLA leave is available when the employee because of a serious health condition cannot perform job functions. This does not mean the employee has to be totally incapacitated. It does mean the employee must miss work to receive treatment during which time the employee is unable to perform essential function.

A male or female employee may take leave for birth and to care for the newborn. An expectant mother may take leave before the birth for prenatal care or if her condition makes her unable to work. FMLA leave also is available for adoption and for foster care of a child.

Leave Administration

Employers have flexibility in determining which 12-month period is counted for determining availability of FMLA leave. Employers may:

1. have a fixed 12-month period such as a calendar or fiscal year for all employees;
2. measure 12 months from the first day leave is used individually;
3. or, have a rolling 12 months measured backward from the date leave is used. This method prevents stacking of FMLA leaves which otherwise could occur in using a fixed 12-month period. For example, if a calendar year were used, an employee could take the full FMLA leave in the final 12 weeks of one

year, and then take another FMLA leave in the first 12 weeks of the next year. The employee would have stacked two FMLA leaves within six months.

Eligibility for leave for birth or placement for adoption or foster care of a child expires 12 months after the birth or placement. Leave for those events may be taken intermittently, or through a reduced workweek but only with the employer's approval. Leave for a seriously ill family member may be taken when medically necessary.

No minimum duration is required for FMLA. To protect the employer, if leave is foreseeable the employee must try to schedule the leave to minimize disruptions to the employer.

Only actual time taken may be charged against the employee. A full-time employee who takes one day FMLA leave during a week is charged one day of leave. A part-time employee who normally works 30 hours a week but takes 20 hours off one week is charged two-thirds of a week of FMLA.

Employers may require employees to substitute paid vacation, personal or other leave for FMLA leave. Employees voluntarily may substitute those leaves for FMLA leave. The types of paid leaves that may be substituted vary depending on the type of FMLA event. Where appropriate paid leave is substituted for a FMLA event, the respective leave time used is charged against the FMLA leave available. If paid leave time is not used for FMLA leave, paid leave time is not lost due to the employee taking FMLA leave.

If an employer provides disability leave, an employee cannot take disability leave before or after a birth and then stack FMLA leave on top. The disability leave is substituted for the FMLA leave. The regulations do not clarify whether disability leave for other types of medical conditions that

would qualify for FMLA leave may be substituted for FMLA leave. Employers generally though may require use of paid leave during the FMLA leave period, suggesting disability leave for a medical condition that would qualify for FMLA leave may be substituted for FMLA leave.

Health Benefits

Employers – both public and private – must maintain health coverage during FMLA leave under the terms coverage would have been provided had the employee continued on the job. An employer does not have to start providing health coverage that was not already provided. If coverage is started or changed while the employee is on FMLA leave, the employee is entitled to the new coverage on the starting date as if the employee were on the job.

Obligations to pay premiums during the leave are the same as before the leave. Thus, if the employer normally pays a portion of the premium and requires a certain contribution from employees, the same obligations exist during the leave. Employers and employees are encouraged to work out arrangements to accommodate their respective administrative and financial concerns.

Employees have a 30-day grace period beyond the date payment is due to the employer to pay their premiums. If the employee does not pay within that time, the employer may:

- cancel coverage; or
- pay the premium and seek reimbursement when the employee returns from FMLA leave.

The employer may seek reimbursement if the employee does not return to work, unless the reason is due to continued serious illness that would qualify for FMLA leave or other circumstances beyond the employee's control. An

example of the latter would be a mother who has taken leave for the birth of a child, then learns the infant has serious defects requiring immediate surgery. If paid leave was substituted for FMLA leave, the employer may not try to recover premiums paid during the paid portion of the leave.

If the employer stops coverage because the employee fails to pay premiums or cancels coverage, the employee upon return to work is entitled to have coverage reinstated on at least the same terms as before cancellation. No waiting period, pre-existing condition exclusion or medical exam may be imposed. It is not clear how this requirement is to be reconciled with Treasury rules on health coverage under cafeteria plan. Under Treasury cafeteria rules, an individual who does not continue health coverage during an unpaid leave may not resume coverage upon return to work within the same plan year.

COBRA coverage is not triggered by FMLA leave until it "becomes known" that the employee will not return to work. At that point the employer's duty to provide health coverage under the FMLA ends, and the duty to provide coverage under COBRA begins.

Health benefits subject to the rules include medical, surgical, hospital, dental and eye care. It also includes mental health counseling and substance abuse treatment. If there is a supplement to the health plan, the supplemental health benefits must be provided whether or not provided through a flexible spending account or other component of a cafeteria plan.

Other Benefits

Employers must restore to employees returning from FMLA leave the regular benefits of employment without any new qualification period. An employee is not entitled to accrue additional benefits during FMLA leave. Any benefit changes or pay increases not dependent on seniority or accrual during the leave must be made effective when the

employee returns to work. Those benefits which must be restored include:

- life
- sick leave
- health
- disability
- annual leave
- educational benefits
- and, pensions.

Benefits which accrued before the leave may not be lost due to taking of the leave.

employers must post follows. The notice must be at least 8-1/2 by 11 inches.

***The information in this bulletin is intended solely for general informational purposes. This information should not be construed as or used as a substitute for legal advice or legal opinion with respect to specific situations. Legal advice and opinion require an evaluation of precise factual circumstances by an attorney.

Resources

<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

<http://www.dol.gov/whd/fmla/employeeguide.htm>

<http://fmlaonline.com/>

Conclusion

The FMLA takes effect August 5, 1993. It applies to private employers who have 50 or more employees for each working day of 20 or more weeks. It also applies to public employers and to private elementary and secondary schools regardless of the number of employees. Text of the notice which

Your Rights under the Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one year, and for 1,250 hours over

the previous 12 months, and if there are at least 50 employees within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

Reasons for Taking Leave:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

If you have access to the Internet visit our FMLA website: <http://www.dol.gov/esa/whd/fmla>. To locate your nearest Wage-Hour Office, telephone our Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available to assist you with referral information from 8am to 5pm **in your time zone**; or log onto our Home Page at <http://www.wagehour.dol.gov>.



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

WH Publication 1420
Revised August 2001

CITY OF WOBURN – ACTIVE SCHOOL EMPLOYEES

Plan	Total Cost	Employer Share	Employee Share	Per 21	Pay 22	Period 26
HMO Blue:		80.0%	20.0%			
Individual	8,546.40	6,837.12	1,709.28	81.39	77.69	65.74
Family	22,732.32	18,185.86	4,546.46	216.50	206.66	174.86
Blue Care Elect Preferred:		65.0%	35.0%			
Individual	12,173.64	7,912.87	4,260.77	202.89	193.67	163.88
Family	30,225.36	19,646.48	10,578.88	503.76	480.86	406.88
Delta Dental (Premier)		0.0%	100.0%			
Individual	384.00	0.00	384.00	18.29	17.45	14.77
Family	948.00	0.00	948.00	45.14	43.09	36.46
Delta Dental (PPO Plus)		0.0%	100.0%			
Individual	576.00	0.00	576.00	27.43	26.18	22.15
Family	1,476.00	0.00	1,476.00	70.29	67.09	56.77
Boston Mutual Life Insurance:		50.0%	50.0%			
Basic (\$5,000) Policy	68.64	34.32	34.32	1.63	1.56	1.32

***Additional Life Insurance Can Be Obtained -- Contact the Business Office

NOTE: All Rates are subject to change

Sample Letters

.....

In order for you to pay your share of premiums you must request a letter in writing to the Superintendent of Schools for a leave (up to 12 weeks) under the Family Medical Leave Act. By doing so, during that time you will only have to pay your share of premiums per pay periods. Please note: as of April 23, 2007 the FMLA is over and you must then go under COBRA.

HMO Blue Family Plan	\$57.50						
Boston Mutual Life	\$ 1.32						
Total per Pay Period	\$58.82	2-22-07	3-8-07	4-5-07	4-5-07	4-9-7	5-3-07

If you choose the FMLA please make checks payable to City of Woburn and mail to Woburn Public Schools, 55 Locust Street, Woburn, MA 01801 Attn: Karen Linehan, Benefits Coordinator.

If you do not apply for the FMLA you will be responsible for the full amount under COBRA (see attached)

HMO Blue Family Plan	\$1,270.73	
Boston Mutual Life	\$ 2.86	
Total per Month	\$1,273.59	COBRA

Please let me know what you choose to do and I will bill you accordingly.

Sincerely,

Karen Linehan
Benefits Coordinator

SAMPLE LETTER

.....

In order for you to remain paying for your share of premiums for your HMO Blue Family Health Plan, Delta Dental Family Health Plan and Boston Mutual Life insurance Plan you must submit a letter to Mark Donovan, Superintendent of Schools requesting the period of time from February 8, 2007 through the date of your return (April 23, 2007) under the Family Medical Leave Act. Under the FMLA you are entitled up to 12 weeks of unpaid leave of which will also allow you your medical premiums as follows:

HMO Blue Family Plan	\$57.50	
Delta Dental Family Plan	\$31.38	
Boston Mutual Life	\$14.92	
Total per Pay Period	\$103.80	3-8, 3-22, 4-5, 4-19

Please make checks payable to: City of Woburn and mail to Woburn Public Schools, Business Office, 55 Locust Street, Woburn, MA 01801 Attn: Karen Linehan, Benefits Coordinator.

If you do not request the remainder of your unpaid leave under FMLA you will be responsible for the full amount under COBRA (please see attached).

If you have any questions please contact me at 781-937-8203 x 203.

Sincerely,

Karen Linehan
Benefits Coordinator

**SAMPLE
LETTER**