



FMLA and Child Care Leave Information Sheet

This Information Sheet was created to help our SCTA members prepare for their FMLA or Child Care Leave. It highlights the most common questions and all members should contact the Personnel Office to receive guidance about their particular situation. Please contact the Personnel Office at 631-471-1309 or the SCTA Office at 631-585-1653 if you have any additional questions.

- When an employee finds out that he/she is pregnant or needs a medical leave that will last more than 5 days, a written letter should be submitted to the Personnel Office. The letter should be directed to Kristin Capel-Eden and also cc. Lorraine Pace. Attached to the letter should be a doctor's note stating the anticipated date of delivery or surgery. In instances of pregnancy, this letter should be sent at least 30 days prior to the employee's expected delivery date. In instances of surgery or medical leave, the letter should be sent as soon as possible. After receiving the letter, the Personnel Office will send the FMLA paperwork to complete.
- Sick days may be used **ONLY** for the time the employee is disabled. For leaves related to pregnancy, the period of disability is typically 6 weeks from the date of a regular delivery and 8 weeks for a Cesarean section. The days that school is not in session are not charged as sick days; however, they do not extend the time of disability. If a woman is put on bed rest prior to the baby's birth, she is considered disabled and can use her FMLA/sick time. If the employee continues to be disabled beyond the 6 or 8 weeks after delivery, she may continue to use sick days provided that she has a doctor's note attesting to the disability.
- Employees are entitled to 12 weeks according to FMLA (Family Medical Leave Act). Full weeks off of school do not count towards FMLA. FMLA starts on the first day out of work (not on the date of the birth). Employees may not use their sick days beyond the period of disability.
 - Under FMLA, the employee would only have to pay the cost they currently pay under the district's health insurance plan.
 - Once the FMLA period is over, the employee is responsible for 100% of the insurance costs.

- After the FMLA period is over, the member is expected to either return to work, take an unpaid Child Care Leave, or, if still disabled, file Long Term Disability paperwork with the district. The approval of the disability is decided by a third party administrator, JJ Stanis and Company, Inc.
- If an employee is approved for Long Term Disability, their Long Term Disability benefits would come into effect after the 60 calendar day elimination period. They will continue to be paid their regular salary as long as they have sick days available. After 60 calendar days, they will only be charged approximately 66 2/3% of the sick days they utilize. If they no longer have sick days available, they will be paid 66 2/3% of their basic monthly earnings (not to exceed a maximum monthly benefit of \$4,200 less any other income benefits specified in the statement). For more specific information about Long Term Disability, reference the Sachem Central School District's Group Long Term Disability Protection Policy.
- If the employee gives birth over the summer, their Family Medical Leave would begin the first week school is back in session. Depending on the date of the birth, the employee may not be eligible to utilize sick days during this time as the employee may no longer be considered disabled.
- Contractually, the employee does not need to advise the district of her intentions to return to work or take an unpaid leave until the initial disability period is over. At that time, a written letter should be sent to the Personnel Office. The letter should be addressed to Kristin Capel-Eden and cc. Lorraine Pace.
- FMLA requires employers to provide 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. Each employee is eligible for 12 weeks total in a 12 month period.
- FMLA permits employees to take leave to care for the employee's child after birth, or placement for adoption or foster care. The employee who did not give birth to the child may request a paid leave under FMLA only if they have available personal days to utilize during this leave. When the FMLA application is submitted to the Personnel Office, they will let the employee know if they have personal days available.
- In situations where both parents are employed by the Sachem School District, they would share the 12 weeks of Family Medical Leave for the following reasons:
 1. Childbirth
 2. Adoption of son or daughter
 3. To take care of a sick parent
- For example, if the father takes off two weeks after the child's birth, the mother would only be entitled to take the 10 remaining weeks. However, if

the requested leave is for another approved condition (e.g.: husband's, wife's, or child's own serious health condition), the cumulative leave limitation does not apply and each parent may take 12 weeks of leave.

- If an employee chooses to take an unpaid Child Care Leave, they can take up to two full years of unpaid leave plus any part of the school year in which the child was born or adopted. Requests for unpaid leave are made one (1) school year at a time. Requests to the district must be made in writing by May 1st of each year. Employees are also given the opportunity to return to work on February 1st.
- The SCTA Collective Bargaining Agreement states: *At the conclusion of the initial period of disability, or upon completion of adoption proceedings, teachers shall indicate if they wish to:*
 - A. Return to work
 - B. Take unpaid leave until the mid-year break or
 - C. Take a leave through the end of that school year
- If an employee chooses to take an unpaid leave of any duration, they will be paid their salary to date as well as any money that was already withheld for their summer pay. If they return to work after an unpaid leave, they will be paid a prorated salary based on the remaining work days in the school year. If they have elected to have summer pay held back, this could significantly impact the amount of their bi-weekly paycheck. Teachers' salaries are prorated under Educational Law 3101 (MATTER of Swaim). Contact the Payroll Office to obtain information on how this effects your particular circumstance.
- An employee's summer check will not be affected if all days out are paid.
- An employee's seniority is not affected if they are being paid; however, the first unpaid day begins to affect seniority. Employees can contact personnel with questions regarding their seniority. To move a step on the pay scale for the following year, an employee must work 5 months out of the year.