



Paternity Leave Packet

Answers to Frequently Asked Questions
about Paternity Leave,
FMLA, and CFRA

Congratulations!

We hope you will find the information in this packet a helpful tool in planning your Paternity Leave.

As a new father, you may want to take some time away from work to enjoy your new baby and to help mom out during the beginning of your baby's life. We've tried to simplify this process for you in this packet. Please remember, you can always contact HR for guidance and assistance.



Please Note: This summary is intended to be an aid in providing employees who will be on Paternity Leave with possible leave options. While every attempt is made to align this packet with current California and Federal Leave Laws, it is important to remember these laws are ever-changing and information within this packet is subject to change without notice.

Frequently Asked Questions

1. What are FMLA and CFRA?

FMLA stands for Family Medical Leave Act. FMLA allows qualified employees to take up to 12-weeks of job-protected leave to bond with a newborn child or a child placed for adoption/foster care. CFRA stands for California Family Rights Act. CFRA is the California equivalent of FMLA and allows for 12 weeks of leave. CFRA and FMLA run concurrently.

To be eligible for FMLA/CFRA leave, you need to have worked for the District for at least 12 months. The District will send eligibility paperwork to you after you request your leave of absence.

FMLA/CFRA leave to bond with your new child begins the first day you are off work and runs concurrently with depletion of sick leave. FMLA/CFRA is limited to 12 workweeks every 12 months. The 12-month period is measured forward from the date of your first FMLA/CFRA leave usage. During these 12 weeks the District continues contributions to medical and dental benefits, but you will be responsible for your portion of the benefit cost.

2. How do I request Paternity Leave?

As soon as is practical, please let your site administrator or supervisor and human resources know so that preliminary planning for coverage of your position can begin. To notify us of your upcoming leave, please fill out and return the Employee Request for Leave form with your projected leave dates. If your estimated leave dates change as your leave gets closer, please contact human resources with the new dates.

3. What happens when I run out of sick leave?

Employees who are new fathers who are off work for the purposes of bonding with their new child are eligible to receive differential pay (Certificated) or half pay (Classified) for 12 work weeks. Child bonding time must be taken within 1 year of the child's birth. Differential/Half pay during baby bonding only begins when accrued sick leave is exhausted.

4. What is Differential Pay?

Differential pay for certificated employees is defined under Extended Illness Leave, Ed Code 44984. Differential pay is your daily pay rate less the amount of money the District is paying or would pay for a substitute to take your place.

5. What if I want to stay out beyond the 12 weeks of FMLA/CFRA?

You may request a Parental Leave of Absence (WTA Article 11.8.1) or Personal Business Leave (CSEA Article 11.4.1), but this time will be unpaid. Please be advised that you will not receive any salary or District-paid benefits during this leave. However, benefits may be purchased through the District.

6. How much leave is allowed if both parents work for the District?

Twelve (12) week period of child bonding, is available in a 12-month period.

7. How do holidays, breaks or district in-service days effect my pay on leave?

Depending on your work calendar, the salary is divided over 11 or 12 months so that you are paid an equal amount, even though you may be on summer vacation or a holiday break (i.e. winter break, spring break, etc.). You are, in reality, only paid for actual days you work when students are in class or when you are attending district in-service. If holidays or non-work days (such as school vacations) occur during your leave, sick leave will not be deducted. However, holidays and non-duty days will count as days used under your FMLA/CFRA leave entitlement.

8. How will my substitute be selected? Am I responsible for finding someone?

Your supervisor and Human Resources will assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Please enter your expected dates of absence into Aesop so that we can begin working to fill your position.

9. Will my Paternity leave affect my salary advancement when I return?

To be eligible to advance to the next step on the salary schedule a certificated employee must have worked at least 75% of the total work days of the employee's assigned position during the previous year (WTA article 11.8.5).

10. If I am a certificated employee and I take a long leave, do I get my school and grade back when I return?

We try to place everyone in their first choice of school and grade but this is not guaranteed. For a short-term CFRA/FMLA bonding leave that does not involve extended unpaid Parental leave, you will most likely return to the same class. It is important to remember that although FMLA and CFRA are "job-protected leaves," this does not mean you will return to the exact position you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential upon your return.

11. What is Paid Family Leave?

Paid Family Leave (PFL) allows eligible workers partial salary replacement but does not provide job protection or return rights. Eligibility for PFL is not determined by the District. Please contact EDD's Paid Family Leave department for eligibility determination.

12. I'm still confused, who can answer my other questions?

Human Resources is here to help! This whole topic can be very confusing. We suggest you make an appointment with the Benefits Accrual Analyst.

FAMILY CARE AND MEDICAL LEAVE

FACT SHEET

DFEH



The Fair Employment and Housing Act (FEHA), enforced by the Department of Fair Employment and Housing (DFEH), contains family care and medical leave provisions for California employees.

These leave provisions are known as the California Family Rights Act (CFRA). All employers must provide information about CFRA to their employees and post this information in a conspicuous place where employees tend to gather. A poster that meets this requirement is available on DFEH's "Posters, Brochures and Fact Sheets" webpage (www.dfeh.ca.gov/posters/).

LEAVE REQUIREMENTS

- To be eligible for CFRA leave, an employee must have more than 12 months of service at an employer of five or more full- or part-time employees, and have worked at least 1,250 hours for that employer in the 12-month period before the leave begins.
- An eligible employee may take job-protected leave to bond with a new child¹ by birth, adoption, or foster care placement, within one year of the child's birth, adoption, or foster placement.
- An eligible employee may take job-protected leave to care for a child, spouse, domestic partner, parent², grandparent, grandchild, or sibling with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition.
- An eligible employee may take job-protected leave

for a qualifying exigency related to the covered active duty or call to covered active duty of a spouse, domestic partner, child, or parent in the Armed Forces of the United States.

- Employees may take leave of up to 12 work weeks in a 12-month period, proportional to an employee's normal work schedule. The leave does not need to be taken in one continuous period of time.

EMPLOYEE'S OBLIGATIONS

- An employer may require an employee to provide 30 days' advance notice of the need for CFRA leave. When this is not possible due to the unexpected nature of the qualifying event, notice should be given as soon as practicable. Notice can be written or verbal and should include the timing and the anticipated duration of the leave, but an employer may not require disclosure of an underlying diagnosis. An employer must respond to a leave request as soon as possible and no later than 5 business days.
- The employer may require written certification from the health-care provider of the individual with a serious health condition stating the reasons for the leave and the probable duration of the condition. However, the health-care provider may not disclose the underlying diagnosis without the consent of the patient.

SALARY AND BENEFITS DURING CFRA LEAVE

- Employers are not required to pay employees during a CFRA leave, but some employers do. In addition, an employee will be paid for any accrued paid time off they elect or are required to use. An employer may require an employee who is taking leave to care for a seriously ill family member or to bond with a new child to use accrued vacation time or other accumulated paid leave other than sick time, unless the employee

1 "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee's domestic partner, or a person to whom the employee stands in loco parentis.

2 "Parent" includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

FAMILY CARE AND MEDICAL LEAVE

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is receiving Paid Family Leave (see below). If the CFRA leave is for the employee's own serious health condition, an employer may require use of accrued vacation and sick time, unless the employee is receiving State Disability Insurance.

- If the employer provides health benefits under a group plan, the employer must continue to make these benefits available during the leave. Similarly, the employee is entitled to continue accruing seniority and participate in other benefit plans.

RETURN RIGHTS

- After CFRA leave, employees are guaranteed a return to the same or comparable position and can request the guarantee in writing.
- If the same position is no longer available, the employer must offer a position that is comparable in terms of pay, benefits, shift, schedule, geographic location, and working conditions, including privileges, perquisites, and status, unless the employer can prove that no comparable position exists.
- An employee is not entitled to reinstatement if the employee would have been otherwise laid off or terminated for reasons unrelated to their leave.

PREGNANCY DISABILITY LEAVE

- In addition to CFRA leave, employers of five or more employees must provide job-protected leave or accommodations to employees disabled by pregnancy, childbirth, or a related medical condition. Pregnancy disability leave (PDL) is available while an employee is actually disabled, up to a total of four months. This includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition. For more information, visit: www.dfeh.ca.gov/family-medical-pregnancy-leave/.

- Employees are entitled to take PDL in addition to any leave entitlement under CFRA.

STATE DISABILITY INSURANCE (SDI) OR PAID FAMILY LEAVE (PFL)

- Employees who are eligible for SDI may receive partial wage replacement for a non-work-related illness, injury, or pregnancy.
- PFL provides benefits to individuals who need to take time off work to care for a family member, to bond with a new child (by birth, adoption, or foster care placement), or for military exigencies. PFL cannot be taken at the same time as SDI.
- SDI and PFL are administered by the Employment Development Department (EDD), not DFEH. For more information, contact EDD at 800.480.3287 or visit: www.edd.ca.gov/Disability/Paid_Family_Leave.htm or www.edd.ca.gov/Disability/About_DI.htm.

If you have been subjected to discrimination, harassment, or retaliation at work, or have been improperly denied leave or reinstatement under CFRA or PDL, file a complaint with DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, DFEH can assist you with your complaint. Contact us through any method above or, for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711).

LICENCIA POR RAZONES MÉDICAS Y FAMILIARES

HOJA DE INFORMACIÓN

DFEH



La Ley de Vivienda y Empleo Justos (FEHA), impuesta por el Departamento de Vivienda y Empleo Justos de California (DFEH), contiene disposiciones de licencias por razones médicas y familiares para los empleados de California.

Estas disposiciones de licencias se conocen como la Ley de Derechos de la Familia de California (CFRA). Todos los empleadores deben dar información sobre la CFRA a sus empleados y publicar esta información en un lugar visible donde los empleados tienden a reunirse. Se puede encontrar un cartel que cumpla con este requisito en la página web del DFEH "Carteles, Folletos y Cartillas Informativas" (www.dfeh.ca.gov/posters/).

REQUISITOS DE LICENCIA

- Para reunir los requisitos para la licencia CFRA, un empleado debe tener más de 12 meses de servicio con un empleador de cinco o más empleados a tiempo parcial o completo, y haber trabajado al menos 1250 horas en el período de 12 meses antes de la fecha en que quiere comenzar la licencia.
- Un empleado elegible puede tomar una licencia laboral protegida para entablar un vínculo afectivo con un nuevo hijo¹ por nacimiento, adopción o crianza temporal, en el plazo de un año del nacimiento del hijo, la adopción o la crianza temporal.
- Un empleado elegible puede tomar una licencia laboral protegida para cuidar a su hijo, cónyuge, pareja de hecho, padre², abuelo, nieto o hermano con una condición médica grave. La licencia de la CFRA también se puede tomar por una condición médica grave del propio empleado.
- Un empleado elegible puede tomarse una

licencia laboral por una exigencia que califique relacionada con el servicio activo cubierto, o la convocatoria para este, del cónyuge, pareja de hecho, hijo o padre/madre de un empleado en las Fuerzas Armadas de los Estados Unidos.

- Los empleados pueden tomarse una licencia de hasta 12 semanas de trabajo en un período de 12 meses, proporcional al cronograma de trabajo normal del empleado. No es necesario tomarse la licencia en un período continuo de tiempo.

OBLIGACIONES DEL EMPLEADO

- Un empleador puede necesitar que el empleado dé aviso con 30 días de anticipación sobre la necesidad de tomarse una licencia de CFRA. Cuando esto no sea posible debido a lo inesperado del evento que califique, el aviso se debe hacer con la mayor anticipación posible. El aviso puede ser por escrito o verbal, y debe incluir el tiempo y la duración anticipada de la licencia, pero el empleador no puede requerir que se le divulgue un diagnóstico preexistente. Un empleador debe responder a una solicitud de licencia lo más pronto posible, a más tardar, 5 días hábiles.
- El empleador puede necesitar una certificación escrita de parte del proveedor de atención médica del individuo con una condición médica grave en la que se establezcan las razones para la licencia y la duración probable de la condición. Sin embargo, el proveedor de atención médica no puede compartir información sobre el diagnóstico preexistente sin el consentimiento del paciente.

SALARIO Y BENEFICIOS DURANTE LA LICENCIA DE CFRA

- No es necesario que los empleadores le paguen a sus empleados durante una licencia de CFRA, pero algunos lo hacen. Además, se le pagará al empleado por los días libres pagados acumulados que elija o se requieren usar. Un empleador puede necesitar que un empleado que se está tomando una licencia por un miembro de la familia que está gravemente enfermo o para entablar vínculos afectivos con

¹ "Hijo" incluye un hijo biológico, adoptado, de crianza temporal, un hijastro, un pupilo legal, o un hijo de un empleado o de la pareja de hecho del empleado, o una persona ante quien el empleado está in loco parentis.

² "Padre" incluye un padre biológico, de crianza temporal o adoptivo, un suegro, un padrastro, un tutor legal u otra persona que estuvo in loco parentis para el empleado cuando el empleado era un niño.

LICENCIA POR RAZONES MÉDICAS O FAMILIARES

DFEH



HOJA DE INFORMACIÓN

un hijo nuevo utilice sus días de vacaciones acumuladas u otras licencias acumuladas que no sean por enfermedad, a menos que el empleado esté recibiendo una Licencia Familiar Pagada (consultar a continuación). Si la licencia de CFRA se debe a una condición médica grave del propio empleado, un empleador puede requerir que use sus vacaciones acumuladas y sus días de ausencia por enfermedad, a menos que el empleado esté recibiendo un Seguro de Discapacidad del Estado.

- Si el empleador da beneficios médicos por un plan grupal, debe continuar otorgando estos beneficios durante la licencia. De igual manera, el empleado tiene derecho a continuar acumulando antigüedad y participando en otros planes de beneficios.

DERECHOS DE REGRESAR

- Después de una licencia de CFRA, se les garantiza a los empleados que regresarán al mismo puesto o a uno comparable y pueden solicitar una garantía por escrito.
- Si el mismo puesto ya no está disponible, el empleador le debe ofrecer un puesto que sea comparable en cuanto al pago, a los beneficios, al turno, al horario, a la ubicación geográfica, y a las condiciones laborales, incluidos los privilegios, las gratificaciones y el estatus, a menos que el empleador pueda comprobar que no existe un puesto comparable.
- Un empleado no tiene derecho a reincorporarse si hubiera sido despedido o cesado por razones que no estén relacionadas con la licencia.

SOLICITUD DE LICENCIA POR MATERNIDAD

- Además de la licencia de CFRA, los empleadores de cinco o más empleados deben dar una licencia laboral protegida o acomodaciones a los empleados incapacitados por embarazo, nacimiento de un hijo o una condición médica relacionada. La licencia de incapacidad por embarazo (PDL) está disponible, si una empleada está realmente incapacitada, hasta un total de cuatro meses. Esto incluye los días libres necesarios para cuidados prenatales y postnatales, náuseas matutinas, reposo indicado por el médico, nacimiento, recuperación después del parto, pérdida o fin del embarazo, o alguna

otra condición médica relacionada. Para obtener más información, visite: www.dfeh.ca.gov/family-medical-pregnancy-leave/.

- Las empleadas tienen derecho a tomarse una PDL además de sus derechos de licencia de CFRA.

SEGURO DE DISCAPACIDAD DEL ESTADO (SDI) O LICENCIA FAMILIAR PAGADA (PFL)

- Los empleados que son elegibles para el SDI pueden recibir reemplazo parcial de salario parciales por una lesión o enfermedad que no estén relacionadas con el trabajo, o por embarazo.
- La PFL da beneficios a los individuos que necesitan tomarse días libres para cuidar a un miembro de la familia, para entablar vínculos afectivos con un hijo nuevo (nacimiento, adopción o acogida temporal), o por exigencias militares. La PFL no se puede tomar al mismo tiempo que el SDI.
- El Departamento de Desarrollo de Empleo (EDD) administra el SDI y la PFL, y no es DFEH. Para más información, comuníquese con el EDD al 800.480.3287 o visite: www.edd.ca.gov/Disability/Paid_Family_Leave.htm o www.edd.ca.gov/Disability/About_DI.htm.

Si fue objeto de discriminación, acoso o represalias en el trabajo, o se le negó de manera indebida la licencia o reinstalación de PDL o CFRA, presente una queja ante el DFEH.

PARA PRESENTAR UNA QUEJA

Departamento de Igualdad en el Empleo y la Vivienda (Department of Fair Employment and Housing, DFEH)
dfeh.ca.gov

Llamada sin costo: 800.884.1684 / TTY: 800.700.2320

Si usted tiene una discapacidad que necesite una adaptación razonable, el DFEH puede ayudarle con su queja. Comuníquese con nosotros por cualquier medio mencionado arriba; las personas sordas, con problemas de audición o discapacidades del habla pueden comunicarse mediante el Servicio de Retransmisión de California (711).