



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: California Paid Parental Leave for Eligible District Employees

NUMBER: BUL-6861.0

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Risk Management & Insurance Services

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ROUTING
All Employees
All Locations

PURPOSE: The purpose of this Bulletin is to provide District employees with information and guidance concerning California paid parental leave for eligible employees.

BACKGROUND: The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees with up to 12 workweeks of protected, unpaid time off for the birth, adoption, or foster care placement of a child of the employee. FMLA and CFRA absences run concurrently.

Effective January 1, 2017, California law, Education Code Sections 44977.5 and 45196.1, mandated that eligible school employees be paid a portion of their salary for parental leave taken under CFRA.

The eligibility requirements for paid parental leave are different from the requirements for FMLA/CFRA and are further explained in Section II of the Guidelines.

Eligible classified and certificated employees are permitted to use illness time for parental leave. If and when the employee exhausts all available illness time, the District will continue to provide the employee with 50 percent of his or her regular salary for the remaining portion of the 12-workweek period of parental leave.

MAJOR CHANGES: This is a new bulletin.

GUIDELINES: The following guidelines apply:

I. DEFINITION

Parental Leave: Formerly referred to as “maternity leave” and now, more commonly referred to as “baby-bonding” or “bonding leave” refers to leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.



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II. ELIGIBILITY

To be eligible for paid parental leave an employee must:

- A. be a classified or certificated employee. Substitute employees, temporary employees, unclassified employees and employees who are neither classified nor certificated are not eligible for paid parental leave benefits; and
- B. have been employed by LAUSD for at least 12 months over the past seven (7) years, including part-time employees. The 1250-hour (or 130 day) work requirement set forth under FMLA/CFRA does not apply to paid parental leave however still applies to other FMLA/CFRA qualifying leaves, such as a leave for one's own serious health condition; and
- C. have exhausted all available illness time, and continues to be absent from his or her duties on account of parental leave.

III. DURATION OF PAID PARENTAL LEAVE

- A. Eligible employees are entitled to up to 12 workweeks of paid parental leave to be utilized during the first year following the birth or placement of a child with the parent through adoption or foster care.
- B. Eligible employees are entitled to one 12-workweek period of paid parental leave during any 12-month period.
- C. Twelve workweeks means the equivalent of 12 of the employee's normally scheduled workweeks.
- D. Parental leave does not have to be taken in one continuous period of time, subject to some limitations under CFRA. Under CFRA regulations, the minimum duration of the leave shall be two weeks except that the District must grant a request for leave of less than two weeks duration on any two occasions. No half days or reduced schedules are allowed.

Paid parental leave runs concurrently with FMLA/CFRA leave time. The 12-workweek paid parental leave entitlement is reduced by any period of time used for any other CFRA qualifying reason.

- E. Under the California Pregnancy Disability Leave Act (PDL), an employee is eligible to take leave of up to 18 weeks based on a



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disability related to pregnancy, childbirth, or related medical condition. PDL time does not run concurrently with CFRA. Therefore, it does not affect or impact an employee's available paid parental leave time.

- F. If the District employs both parents, the District limits the period of paid parental leave to 12 total workweeks to be shared between both parents.

IV. COMPENSATION

- A. An employee may use his or her illness leave for purposes of paid parental leave for a period of up to 12 workweeks.

If an employee exhausts all available illness time, including all accumulated illness leave, and continues to be absent from his or her duties on account of paid parental leave, the employee will be compensated at a rate of 50 percent of his or her regular salary ("partial pay") for the remaining portion of the 12-workweek period of paid parental leave. An employee who does not exhaust all of his or her available accrued illness time is ineligible for, and cannot access, the "partial pay" benefit.

- B. While out on paid parental leave, the employee continues to be entitled to receive any applicable health benefits for which the employee is otherwise eligible.

V. ADMINISTRATOR RESPONSIBILITIES

Administrator responsibilities are those mandated under FMLA/CFRA per LAUSD BUL-1205.3, Family and Medical Leave Act/California Family Rights Act Policy.

- A. Identify a potential need for FMLA/CFRA absence (parental leave);
- B. Determine eligibility;
- C. Request appropriate absence forms and required documentation;
- D. Designate the absence as FMLA/CFRA approved; and
- E. Track amount of time used (maximum of 12 workweeks each FMLA/CFRA Year).



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VI. EMPLOYEE RIGHTS

If an employee qualifies for FMLA/CFRA and paid parental leave, the employee will have the following rights while on leave:

- A. Leave will not constitute a break in service for purposes of establishing longevity or seniority, or for layoff, recall, promotion, job assignment, or seniority-related benefits.
- B. Maintenance of health benefits during any period of parental leave under the same conditions as if the employee had continued to work.
- C. Reinstatement to the same or equivalent position upon return from FMLA/CFRA leave, subject to seniority rules in the event of layoffs in the employee's position. If the leave extends beyond the end of the employee's FMLA/CFRA entitlement, the employee does not have return rights under FMLA/CFRA. However, if the employee is disabled, he or she may be entitled to a reasonable accommodation. An employee may also have rights pursuant to his or her respective Collective Bargaining Agreement.

VII. EMPLOYEE RESPONSIBILITIES

If an employee qualifies for FMLA/CFRA leave and paid parental leave, the employee will have the following responsibilities while on leave:

- A. Provide Site Administrator with 30 days advance notice of the need to take parental leave when the need is foreseeable.
- B. When the need for leave is not foreseeable, the employee is expected to notify the Site Administrator as soon as is practicable based upon the facts and circumstances.
- C. Comply with the usual and customary call-in and reporting procedures in accordance with their work location and Collective Bargaining Agreement.

VIII. NON-RETALIATION AND PROTECTION FROM INTERFERENCE WITH FMLA/CFRA RIGHTS

Employers are prohibited from interfering with an eligible employee's right to utilize FMLA/CFRA or paid parental leave. "Interfering" includes harassing, discriminating or retaliating against an employee for having exercised or attempted to exercise FMLA/CFRA or paid parental leave rights. Employees have the right to utilize FMLA/CFRA and/or paid



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parental leave for any qualifying reason without criticism or discouragement. Also, an employee must not be subject to discipline for exercise of FMLA/CFRA or paid parental leave rights.

Retaliation and/or interference does not include an employer's pertinent contact/communications with the employee regarding the employee's job. The employer, however, is not permitted to contact the employee to induce the employee to return from leave or to require the employee to perform actual work. While an employee can freely exercise their right to take FMLA/CFRA leave under the law and not be disciplined for doing so, taking a protected leave of absence will not affect pending disciplinary proceedings or prevent reductions-in-force or discipline from being issued that is based upon legitimate nondiscriminatory reasons (e.g., work performance and/or conduct).

AUTHORITY: This is a policy of the Superintendent of Schools. This policy is established in accordance with California parental leave regulations and the California Family Rights Act.

RELATED RESOURCES: Family and Medical Leave Act/California Family Rights Act Policy, BUL-1205.3, October 05, 2015, Office of the General Counsel.

Legally-Mandated Paid Sick Leave for Eligible Employees, BUL-6529.1, Office of the General Counsel, August 3, 2015

Los Angeles Unified School District, FMLA/CFRA website:
<http://fmla.lausd.net>

New Certification of Absence Forms, BUL-6307.3, Office of the Superintendent, July 01, 2016

California Fair Employment and Housing Commission, CFRA Regulations:
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12945.2

California Fair Employment and Housing Commission, California Pregnancy Disability leave Act:
www.dfeh.ca.gov/resources/.../pregnancy-disability-leave-faqs/

ASSISTANCE: For assistance or further information please contact Risk Management and Insurance Services (213) 241-3139.