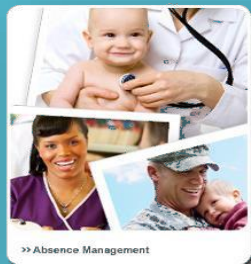


# What Administrators Need to Know: Parental Leave

## Integrated Disability Management (IDM) Programs

Division of Risk Management & Insurance Services



# Understanding Parental Leave

- Parental Leave Basics
- Parental Leave Eligibility: Paid and Unpaid
- Parental Leave Duration
- Employee Rights and Responsibilities
- Employer Responsibilities

# Parental Leave Basics

Parental leave is designed to allow eligible employees to take up to 12-workweeks of leave for the purposes of bonding during the first year following the birth or placement of a child with the parent through adoption or foster care

Paid Parental Leave (PPL) mandates eligible school employees be paid a portion of their salary under the California Education Code Sections 44977.5 and 45196.1

Paid Parental Leave (PPL) runs concurrently with FMLA/CFRA time

Family Medical Leave Act (FMLA) is a protected leave under Wage and Hour Division (WHD) of the US Department of Labor (DOL)

California Family Rights Act (CFRA) is a protected leave under the California Fair Employment and Housing Act (FEHA)

The 12-workweeks of job-protected leave under parental leave entitlement is reduced by any period of time used for any other FMLA/CFRA qualifying reason

# Paid Parental Leave Eligibility

To be eligible for Paid Parental Leave (PPL) an employee must:

- Have been employed by the District for at least 12 months, at any time over past 7 years (full or part-time); and
- Be a classified or certificated employee

*Substitute employees, temporary employees, unclassified employees and employees who are neither classified nor certificated are NOT eligible (employees who are not eligible may be eligible for unpaid parental leave (baby bonding))*

Eligible employees may use available illness time (full or half pay) for up to 12-workweeks for the purposes of Paid Parental Leave (PPL)

Eligible employees who exhaust ALL available illness time and continue to be absent for the purposes of paid parental leave will be compensated at a rate of 50% of regular salary for the remaining portion of the 12-workweeks of Paid Parental Leave (PPL)

# Unpaid Parental Leave Eligibility

To be eligible for an unpaid parental leave under FMLA/CFRA, an employee must:

- Have been employed by the District for at least 12 months, at any time over past 7 years (full or part-time); and
- Worked at least 130 days (or 1,250 hours for School Police, Skilled Craft Workers, Playground Aides, and Classified Subs/Temps) in the 12-month period prior to the first FMLA/CFRA absence or leave

Employees on an unpaid parental leave can use available Personal Necessity

# Parental Leave Duration

Eligible employees are entitled to up to 12-workweeks of parental leave to be utilized for the purposes of bonding during the first year following the birth or placement of a child with the parent through adoption or foster care

Parental leave can be taken in one continuous period of time or in smaller intermittent blocks

For intermittent blocks of parental leave:

- Time must be taken in a minimum of two week intervals
  - The District allows 2 exceptions of less than two weeks*
- Half days and/or reduced schedules are not allowed

An employee shall not be provided more than one 12-workweek period for parental leave during any 12-month period

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

# Parental Leave: Employee Rights

An employee who qualifies for FMLA/CFRA and parental leave is entitled to:

Continue as if there is no break in service for the purposes of establishing longevity or seniority, or for layoff, recall, promotion, job assignment, or seniority-related benefits

Retain medical benefits during the duration of the parental leave, even if all paid time is exhausted

*Employees eligible for Paid Parental Leave (PPL) will be compensated at a rate of 50% of regular salary for the remaining portion of the 12-workweeks of Paid Parental Leave (PPL) after illness time has exhausted*

Return rights to the employee's original position (unless the position has been closed due to a reduction in force) or to a comparable position (same tasks, skills, benefits, and pay)

# Parental Leave: Employee Responsibilities

An employee who qualifies for FMLA/CFRA and parental leave must:

Provide Site Administrator with 30 days advance notice of the need to take parental leave when the need for leave is foreseeable or as soon as reasonably possible if the need for leave is unforeseeable

Comply with usual and customary call-in and reporting procedures in accordance with their work location and Collective Bargaining Agreement

Complete the Certification/Request of Absence for Illness, Family Illness, New Child (60-ILL) form when requesting or certifying any absences for illness or disability

*Per District Policy: Leaves exceeding more than 20 consecutive working days require the employee to submit a formal leave request and can only be granted or approved by the appropriate personnel division/branch*

Inform their work location of any changes in return to work date and/or extensions of leave





# Parental Leave: Employer Responsibilities

Under FMLA/CFRA and parental leave the District must:

Identify a potential need, determine eligibility and track time used under FMLA/CFRA and parental leave

Request the appropriate absence forms and required documentation

Designate absences as FMLA/CFRA and parental leave

Reinstate an employee under the protection of FMLA/CFRA leave to their original job unless the position has been closed due to a reduction in force

Ensure there is no interference with an eligible employee's rights to utilize FMLA/CFRA and parental leave

# Resources

FMLA/CFRA/PDL Guidance and Support	<a href="mailto:fmla@lausd.net">fmla@lausd.net</a>
Los Angeles Unified School District's FMLA/CFRA/PDL website:	<a href="http://achieve.lauds.net/idm">http://achieve.lauds.net/idm</a>
California Paid Parental Leave for Eligible District Employees BUL-6861.0	<a href="http://achieve.lauds.net/idm">http://achieve.lauds.net/idm</a> , go to "FMLA" then "Resources/Forms"
California Pregnancy Disability Leave Act	<a href="https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/">https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/</a>
FMLA Regulations	<a href="https://www.dol.gov/whd/fmla/index.htm">https://www.dol.gov/whd/fmla/index.htm</a>
CFRA Regulations	<a href="http://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations">http://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations</a>
Collective Bargaining Agreements on Staff Relations website:	From LAUSD's homepage: <a href="http://www.lausd.net">http://www.lausd.net</a> , go to "Offices" then "Office of Labor Relations"
Personnel Commission Rules	From LAUSD's homepage: <a href="http://www.lausd.net">http://www.lausd.net</a> , go to "Offices" then "Personnel Commission"
Certification of Absence Forms BUL-6307.4	From LAUSD's homepage: <a href="http://www.lausd.net">http://www.lausd.net</a> , go to "Offices" then "Payroll"