



Navigating Parental Leave

AN INFORMATIONAL BULLETIN FROM SOUTH BAY UNITED TEACHERS

Welcoming a new child to your home is an exciting and anxious time. There are many things to consider: How much time you may be able to take off from work is very high on the list. The following information has been prepared by your Union to help you in navigating various leave provisions related to parenting. This sheet is for your information only and is not intended as legal advice. Please be sure to check your school district's policies and their contract with your Union as well as provisions in Federal and State law such as the Family Medical Leave Act, the California Family Rights Act and various California Education Code provisions some of which are referenced below. We hope you find this helpful. All the best to you and your growing family.

For women giving birth:

- Your doctor will determine how long you will need to be out during your “pregnancy disability” (that period of time covering the birth & your recovery from it). You are considered “ill” during this time, and therefore will use your accumulated sick days. If you use up all your sick days, you will go on sub-differential pay.
 - For a typical pregnancy, your doctor considers you “disabled” for 6 weeks.
 - If there are complications, this likely will be longer, in which case you will continue to be “disabled” and will continue on sick pay/differential pay. This is all determined in consultation with your doctor.

All new parents—mothers, fathers, adoptive parents, foster parents. If you have been employed by the district for at least 12 months:

- You are entitled to take 12 workweeks of parental leave¹ within a 12-month period.
- If you are a woman who has just given birth, this is *in addition to* the pregnancy disability leave you have taken. Once your doctor determines you are able to return to work after your pregnancy disability, you may take parental leave for an additional 12 weeks.
- These are 12 workweeks, meaning weeks you would normally be working, and therefore don't include holiday breaks.
- You can take the leave intermittently, but must work with the employer on scheduling.
- The district will continue to pay their portion of your benefits during this leave.
- If you would like to be paid during this leave, you must first use any accumulated sick leave days. Once those are exhausted, you will receive sub-differential pay (or ½ salary²).
 - If you do not have any accumulated sick days, you will go directly on sub-differential pay.
- If you have sick days that you do not wish to use for parental leave, you may still take the leave, but it will be unpaid (with no differential pay).
- You will not lose any seniority or employment rights during this leave.
- For any fully-paid days during the leave, you will not lose any CalSTRS service credit. However, any days for which you do not receive full pay will be counted against your CalSTRS service credit for the year.³
- If you do not return to work following the leave, the district may require you to pay back the portion of benefits that they paid while you were on leave.



¹This was brought into law first as Assembly Bill 375 (eff January 1, 2016) and then as Assembly Bill 2393 (eff January 1, 2017) codified as Ed Code 44977.5. Parental leave in E.C. 44977.5 runs concurrently with the parental leave of Government Code 12945.2, which is the California Family Rights Act (also known as the *Moore-Brown-Roberti Family Rights Act*) and is therefore subject to the provisions of that law, except is not subject to the 1250 hours of service required in G.C. 12945.2

² Refer to your Union's contract with the district.

³ Referenced in Ed Code 22701(b) “Creditable service” ascribed under the Defined Benefit Program is credited in the proportion that the member's creditable compensation for that service bears to the member's compensation earnable.