

Pregnancy and Parental Leave Rights

As a California public school employee, your rights to pregnancy and parental leave are governed by California state and federal law as well as by your collective bargaining agreement. The following describes the basic rights provided under state and federal law. You should consult your chapter about additional rights that may be provided to you by your collective bargaining agreement and confirm with your school district what paperwork you need to file when, and with whom, to qualify for the different leaves described below. For more information on these leave rights and on your rights as a California public school employee, visit the [Legal Services section of MyCTA](#).

Pregnancy-Related Disability Leave

Unpaid leave for the duration of any pregnancy-related disability – either before or after you have your baby. You will likely qualify for pregnancy disability leave, meaning **unpaid** leave from work for the duration of any physical disability you experience as a result of pregnancy and/or childbirth. Your need for pregnancy disability leave must be verified by your physician and may not exceed four months' time. You can take pregnancy disability leave intermittently as needed. For example, you could take leave during the first trimester for severe morning sickness, in the last trimester for bed rest and following birth for recovery, so long as your physician verifies your need for each period of leave.

To receive pay during the period of your pregnancy-related disability leave, **you can use any sick leave that you have accumulated:**

- If you work full time for a school district as a certificated employee, you accrue 10 days of paid sick leave a year (Educ. Code 44978). (you get **11 sick-leave days in Twin Rivers**.)
- If you work part-time, you accrue sick leave proportionate to the number of days per week that you work (Educ. Code 44978).

Unused sick leave accumulates from year to year with no cap and can be transferred (provided you have worked for a district for at least a year), if you subsequently accept a certified position with another school district or community college district (Educ. Code 44979).

Once you have exhausted your sick leave, if you still qualify for pregnancy disability leave, you can obtain **extended sick leave**, which is often referred to as **differential leave pay**, for the remainder of your pregnancy disability leave. Differential leave pay is the amount remaining of your salary after the district pays a substitute to fill your position, ~~unless your district has opted to adopt the differential leave pay rate of 50% or more of your salary~~ (Educ. Code 44983). Differential leave pay is available for up to five months for each illness (Educ. Code. 44977). **You must exhaust your sick leave in order to qualify for differential leave pay.**

~~**Paid pregnancy disability leave if you participate in the State Disability Insurance Program:** Although most districts do not participate in the State Disability Insurance (“SDI”)~~

~~program, if your district does and you have opted to make SDI contributions, you can receive paid pregnancy disability benefits of roughly half of your current salary through the SDI program. For a pregnancy without complications, the benefit period is generally from 4 weeks before your due date to 6 weeks after your delivery. If your pregnancy prevents you from working before or after that period, you may receive benefits for a longer period of time if your doctor verifies your need for additional leave.~~

Parental Leave

Up to 12 weeks of **unpaid** parental leave. So long as your school district employs more than 50 employees, and you have worked for the district full time for a full year, you have the right under the California Family Rights Act ("CFRA") and the federal Family & Medical Leave Act ("FMLA") to up to 12 weeks of unpaid leave to care for a new or adopted baby or foster child. The leave must be taken within a year of the baby's birth or the child's placement in your home. You must also provide your employer with 30 days advance notice of your need for parental leave when your need for the leave is foreseeable.

During the period of your parental leave, your employer must maintain your health insurance coverage and must continue to allow you to accrue seniority and receive the other benefits you would ordinarily receive on other types of leave, such as life, short-term or long term disability or accident insurance coverage, and pension and retirement credit. Your right to unpaid leave under the CFRA and FMLA run concurrently, meaning you are only entitled to one 12-week unpaid leave, not to a 24-week leave. As long as you return to work at the conclusion of 12 weeks, the district must assign you to the same or an equivalent position. If you remain on leave longer than 12 weeks, you can continue to maintain your health insurance by paying the premiums yourself under COBRA, but the district is not obligated to hold your job for you until you choose to return.

If you were on pregnancy disability leave, you may take your 12 weeks of unpaid parental leave after your physician clears you to return to work. If you were not on pregnancy disability leave, you may take your 12 weeks of unpaid parental leave upon the birth or placement of your child or at any time during the subsequent year. The parental leave must generally be taken in one block of time, although your district may approve the use of the leave intermittently in some cases. You can receive pay during the period of your unpaid leave by using any vacation or sick leave that you have accumulated.

~~**Paid parental leave if you participate in the State Disability Insurance Program:** Although most districts do not participate in the State Disability Insurance ("SDI") program, if your district does and you have opted to make SDI contributions, you are eligible under the SDI Paid Family Leave program to receive 6 weeks of partial pay (approximately 55% of your regular pay) for time off to bond with a new child within 12 months of birth, adoption or placement.~~

Other Pregnancy Related Protections You Should Know About

Both federal and state laws prohibit your district from discriminating against you based on your pregnancy. In addition, state law requires a school district that has a policy, practice or

collective bargaining agreement requiring or authorizing the transfer of temporarily disabled employees to less strenuous or hazardous positions for the duration of the disability, to honor a request to transfer to such a position by a pregnant employee. Districts must also honor such a temporary transfer request if supported by your physician, so long as the district can reasonably accommodate your transfer request.

Upon your return to work, the district must provide you with a reasonable amount of break time for breast pumping purposes unless doing so would seriously disrupt the district's operations. The district must also make a reasonable effort to provide you with a room or other location (not a toilet stall) near or in your work area, in which you can express milk in private.

~~Your collective bargaining agreement may provide you with additional leave rights and other pregnancy-related protections. Check with your CTA chapter to find out what benefits your collective bargaining agreement provides.~~