

**TAMALPAIS UNION HIGH SCHOOL DISTRICT**  
**Office of Human Resources**

**Maternity Disability Leave**  
**&**  
**Parental Bonding Leave**

*A Guide for Certificated Employees*  
*Updated October 2019*

The purpose of this document is to provide general guidance regarding Maternity Disability Leave, Parental Bonding Leave, and Child Rearing Leave. Please note that the guidance provided in this document does not supersede or displace the language contained in the Agreement between the Tamalpais Federation of Teachers (TFT) and the Tamalpais Union High School District (TUHSD) or any rights guaranteed under state or federal law. Certificated employees are encouraged to review Article IV, Absences and Leaves, Sections II, D, E and F of the TUHSD – TFT Agreement.

**FREQUENTLY-ASKED QUESTIONS**

**1. I am pregnant. What should I do first?**

If you are required to be absent due to illness or disability related to pregnancy, miscarriage, or childbirth, you may be entitled to Maternity Disability Leave as long as you notify the District as soon as possible but preferably at least 30 days in advance (see Article IV, Section II, D, of the TUHSD - TFT Agreement). The notice shall include written verification from your attending physician of the necessity for leave and estimated date it will commence. In addition, you may be eligible for parental bonding leave under the Family Care and Medical Leave provision of the TUHSD - TFT Agreement (Article IV, Section II, F). Please make an appointment with the Office of Human Resources to discuss your leave options.

**2. How does Maternity Disability Leave work?**

Maternity disability leave was designed for job protection. It is protected leave from work to accommodate employees with a pregnancy-related disability. Your health care provider will recommend how long you need to take leave from work, but you are entitled by law to a maximum of four months, with a typical time period of six to eight weeks per pregnancy. This leave is in addition to any other leave for which you may be eligible under the law, contract, or policy.

**3. Is Maternity Disability Leave paid leave?**

While on Maternity Disability Leave, you must use your accrued sick leave and receive full pay. Once accrued sick leave is exhausted, you are entitled to receive differential pay. Your differential rate is calculated by determining the difference between your daily per diem rate, minus the B – 1 rate on the certificated salary schedule. In addition to Maternity Disability Leave, you are entitled to Parental Bonding Leave during which you may use sick leave or, if exhausted, receive differential pay at a minimum of 50% of your daily per diem rate. The maximum number of weeks allotted for parental bonding leave is 12 work-weeks (60 work days).

**4. How will my salary be affected while I am in differential pay status?**

As explained in response to question no. 3, your monthly income will be temporarily reduced during your differential pay period. At the conclusion of the parental bonding leave period, the TUHSD -TFT Agreement provides for Child Rearing Leave (CRL) (see Article IV, Section II, E). Child Rearing Leave is an unpaid leave of absence that does not include health benefits.

**5. May I save a portion of my accrued sick leave and receive differential pay instead?**

No. All sick leave must be exhausted before you can avail yourself of differential pay. However, you may choose not to use your accrued sick leave and be placed on unpaid status during the term of your disability.

**6. Should I have disability insurance?**

The decision to individually purchase private disability insurance is a personal decision, beyond the scope of your employer (TUHSD). There typically is a waiting period before the policy takes effect and the coverage only applies to the actual period of disability, not to periods of rest or child rearing.

**7. I would like to remain home with my child longer than the period of time recommend by my doctor for Maternity Disability Leave. Is it possible to extend my leave?**

Yes. Your maternity disability period formally ends on the date that your doctor indicates you are able to return to work, typically a six to eight week period of time. This is verified by the doctor's return-to-work notice which must be submitted to the Office of Human Resources. By law pregnancy-related disability leave is limited to four months.

At the conclusion of your Maternity Disability Leave, you may request parental bonding leave. The maximum number of weeks allotted is 12 weeks (60 work days). As of January 1, 2019, certificated employees may use sick leave for purposes of parental bonding leave and, upon exhausting available sick leave, receive compensation at a minimum of 50% of your daily per diem rate (see Cal. Ed. Code §44977.5). Employees must be employed by the District for twelve consecutive months to be eligible for parental bonding leave.

At the conclusion of your parental bonding leave, the TUHSD – TFT Agreement has a provision for Child Rearing Leave (Article IV, Absences and Leaves, Section II, E 1-10). This leave may be requested at any time during pregnancy or after the birth of your child and the leave must commence before the child's first birthday.

Child Rearing Leave is an unpaid leave that does not include medical benefits. When District-paid benefits end, the employee has the option of continuing health benefits under COBRA at the employee's own expense. Please refer to Article IV of TUHSD – TFT Agreement for further specifics such as requesting additional years of such leave.

**8. My due date is during the summer recess. Can I begin Maternity Disability Leave on the first day of school?**

To qualify for Maternity Disability Leave, you must be ill or disabled because of pregnancy as verified by your doctor. If your child is born in late June or early July, it is likely that the period of maternity disability will be over before the school year begins. With a late July or early August birth, it is possible that you may still be disabled due to pregnancy. In either case, 12 weeks of parental bonding leave are available to extend your leave into a new school year in addition to subsequent Child Rearing Leave.

**9. I am actually planning to adopt. Do I qualify for Maternity Disability Leave?**

No. Maternity Disability Leave is not available because you would not be disabled due to pregnancy and unable to work. You may be eligible, however, for parental bonding leave and Child Rearing Leave as detailed in the TUHSD – TFT Agreement.

**10. I am the non-birthing parent. Do I qualify for Maternity Disability Leave?**

No. As explained in the response to question no. 9, Maternity Disability Leave is not available because you would not be disabled due to pregnancy and unable to work. You may be eligible, however, for parental bonding leave under the Family Care and Medical Leave provision and Child Rearing Leave as detailed in the TUHSD – TFT Agreement.

**11. Do I advance on the certificated salary schedule when on Maternity Leave?**

Per the TUHSD – TFT Collective Bargaining Agreement, a teacher on Leave must work 75% of the school year in order to advance on the certificated salary schedule. Per the Agreement, any accrued sick leave used during the duration of your Maternity Leave will be credited toward your completion of 75% of the school year.

**12. What paperwork do I need to submit to the District once my child is born?**

Once your child is born, you must submit a copy of the birth certificate to the Office of Human Resources so that your child may be added to your health benefit package.

**13. Am I responsible for finding a substitute teacher to cover my assignment during my period of Leave?**

No, it is the shared responsibility of the Office of Human Resources and the school site administration to secure a substitute teacher in your absence. However, any assistance you could provide in locating and securing a qualified substitute would be welcomed and appreciated.

**GLOSSARY**

**Child Rearing Leave:** Unpaid leave available to certificated employees under TUHSD – TFT Agreement after the Maternity Disability Leave period and the Family Care and Medical Leave period conclude.

**Differential Pay:** The difference between an employee’s daily per diem rate minus the B – 1 rate on the certificated salary schedule.

**Disability Insurance:** Private, elective insurance, purchased by the employee on his or her own that provides a portion of the employee’s pay for the period of time the employee is unable to work due to extended illness or disability. The Tamalpais Union High School District does not participate in the California State sponsored disability program.

**Family & Medical Leave Act (FMLA):** Federal law that provides 12 workweeks of leave in a 12-month period for the following reasons: birth of and to care for newborn child within one year of birth; placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; care for the employee’s spouse, child, or parent who has a serious health condition; and a serious health condition that makes the employee unable to perform the essential functions of his or her job.

**California Family Rights Act (CFRA):** Similar to the federal FMLA, the CFRA provides eligible employees with up to 12 workweeks of leave in a 12-month period for the birth, adoption, or foster care placement of a child or for the employee’s own serious health condition or that of a child, parent, or spouse.

**California Pregnancy Disability Act:** Eligible employees are entitled to certain rights and protections in the event of pregnancy, childbirth, loss of pregnancy, and related physical or mental conditions including the right to reasonable accommodations and the right to time off from work. The law also makes it illegal for employers to fire, refuse to hire, bar, harass, discharge, or otherwise discriminate against someone because of pregnancy, childbirth, or a related condition.

**Return-to-Work Date:** The date when the maternity disability has concluded and the employee is physically able to return to work, as confirmed by a physician's verification.

**Sick Leave:** Accrued paid time for illness or injury. Sick leave must be used during the maternity disability period up to the return-to-work date. Sick leave may not be used during an unpaid Child Rearing Leave.

*Additional questions should be directed to the Tamalpais Union High School District Office of Human Resources at (415) 945-1030.*