How To Apply for Maternity Leave

LEAVE DEPARTMENT CONTACTS
• Brook Leighton, Leave Analyst, beleighton@seattleschools.org, 206-252-0374
  Responsible for Leave process for employees whose last name begins with A-K
• Corinne Ross, Leave Analyst, cpross@seattleschools.org, 206-252-0614
  Responsible for Leave processing for employees whose last name begins with L-Z
• Access the Leave website at www.seattleschools.org/hr, choose “Current Employees”, on the right, part way down the page choose “Leaves of Absence”. All forms mentioned in this advisor can be found on the website.

WHEN SHOULD I APPLY FOR A LEAVE OF ABSENCE?
• The Leave Department requests that you submit your leave application 30 days prior to your leave if you will be off of work for more than 10 days, whether you have paid leave or not.

HOW DO I APPLY FOR A MATERNITY LEAVE?
• Submit to the Leave Department an Employee Leave Request Form and a Certification of Health Care Provider-
  Employee.
• While on Maternity Leave you may use sick leave only for the period of time in which you are disabled following the
  birth of the child, generally six to eight weeks. You may also use sick leave for a pre-delivery disability period.

WHAT ARE MY LEAVE RIGHTS?
• FMLA – Family Medical Leave Act – Federal Rights
  o To qualify you must have worked for the District for 1 year, and over the past 12 months you must have
    worked the required number of hours (1250)
• FLA – Family Leave Act – Washington State Rights
  o To qualify you must have worked for the District for 1 year, and over the past 12 months you must have
    worked the required number of hours (1250)
• Childbearing Leave – Washington State
  o Childbearing Leave – Female employees only – The Childbearing Disability period is job protected leave,
    regardless of whether the leave is paid or unpaid and regardless of whether or not you are FMLA/FLA qualified
    or not. Seattle School District does not provide paid leave for Childbearing/Child Care Leave beyond your own
    accrued paid leave. Childbearing Disability Leave is generally 6 to 8 weeks post delivery. However, the actual
    disability period is defined by your doctor and could include a bed rest pre-delivery period or a longer post
    delivery period if there are serious birth complications. During the Childbearing Disability period you may use
    any available sick or personal/vacation leave accrued to cover your absences, as this period of time is
    considered an Employee Health Leave. The Childbearing Disability period is counted in weeks, and non-work
    days do count. The Childbearing Disability period is defined by your doctor as the period of time it will take
    to recover (heal) from delivery (and/or a period of time prior to delivery for bed rest) and that
    healing/recovery period is not extended because of holidays or school breaks.
  o Child Care Leave - After the certified Childbearing Disability ends, if you choose to remain on leave, the leave
    will convert to an unpaid Child Care Leave. Keep in mind however, that District contributions for benefits will
    continue for the Child Care Leave period that is covered by FMLA, if you have benefits and are FMLA qualified.
• FMLA/FLA Run Concurrently
  o Family and Medical Leave Act (FMLA)/ Family Leave Act (FLA) — The Federal Family and Medical Leave
    Act (FMLA) protects your position and your benefits for up to 12 weeks (60 work days). To qualify you must
    have worked for the District for 1 year, and over the past 12 months you must have worked the required
    number of hours (1250). The FMLA period runs concurrently with the Washington State Family Leave Act.
    FMLA and FLA allow you to use accrued paid leave to cover absences to take care of your own illness or
    that of covered family members. Additionally, leave is provided to victims or family members of Domestic
    Violence, Sexual Assault, or Stalking and to Military Personnel.
Childbearing/Child Care Leave Examples

Example 1
Employee works until birth (no disability during pregnancy), has no serious complications during birth, and takes six weeks leave for recovery from childbirth. In such a case, the employee’s six weeks of pregnancy disability leave runs concurrently with the first six weeks of her federal FMLA leave; however, her state FLA leave does not begin to run until after her pregnancy disability leave ends. Once the employee’s pregnancy disability leave ends, her remaining six weeks of federal FMLA leave runs concurrently with the first six weeks of her state FLA leave. Once the employee’s federal FMLA leave is exhausted, she has six remaining weeks of state FLA leave (which results in a combined total of 18 weeks of leave).

Example 2
Employee takes six weeks of pregnancy disability leave before the child is born because of pregnancy-related complications, followed by six weeks for recovery from childbirth. These 12 weeks of leave count as leave both for pregnancy disability regulations and under the federal FMLA. Employee’s 12 weeks of state FLA leave do not begin to run until after the 12-week period of pregnancy disability leave ends, providing employee with a total of 24 weeks of leave.

WHAT ABOUT MY EMPLOYEE BENEFITS?

- **Employee Benefits** – Generally speaking, your employee benefits will continue as long as you’re in a paid status. The exception, if you qualify for the Federal Family and Medical Leave Act (FMLA) benefits will continue during this period, whether you are in a paid status or not. If you do not qualify for FMLA, and you are unpaid during the Childbearing disability period, or any portion of, benefits will terminate. **Please note that Employee Benefits do not continue during the Washington State FLA period that follows the Childbearing Disability Period (with the exception of the period of FLA that overlaps with FMLA).** Benefit continuation only occurs during Paid Leave periods and FMLA covered Paid or Unpaid periods. For detailed benefit information and/or enrollment changes, please contact the Benefits Helpline at 206-957-7066.
WHAT HAPPENS IF I DON’T HAVE ANY MORE SICK OR PERSONAL LEAVE OR VACATION/ANNUAL LEAVE?

- **Shared Leave** – Generally speaking, shared leave donations will not be approved for Maternity Leave.

- **Short Term Disability Salary Replacement Insurance** - If you elected to purchase Short Term Disability Salary Replacement Insurance during the annual open enrollment period, you may be able to access this benefit during your pregnancy disability period. Short Term Disability Salary Replacement Insurance is a voluntary plan that you pay for out of your paycheck, not all employees have Short Term Disability Salary Replacement Insurance. This policy does have limitations and a waiting period. Please contact the Benefits Helpline at 206-957-7066 for information on how to make a Short Term Disability Salary Replacement Insurance claim. The staff at the Benefits Helpline will complete the “Employer” section of the claim form.

WHAT ABOUT MY JOB, HOW LONG IS MY POSITION PROTECTED?

- **Seattle Education Association Employees - Leave Period and Right to Return** - Under the terms of the Collective Bargaining Agreement your position is protected for the period of time covered by FMLA, or the duration of your own accrued paid Leave plus a 25 day unpaid grace period; whichever is longer. Additionally, in the case of Childbearing/Child Care Leave, your position is protected following the birth of your child for the Childbearing disability period plus an additional 12 weeks (60 work days) of FLA (if you qualify for FLA). Please note that FMLA and/or the paid leave/25 day unpaid grace period are both applied toward intermittent leaves.

  - **Child Care Leave Extension** – The Collective Bargaining Agreement allows employees to take Child Care Leave for the remainder of the current school year following the birth/placement of a child, and the Child Care Leave may be extended through the entire following school year. All Child Care Leave time would be unpaid.

    - **First Year of Leave** - If your leave extends beyond your Right to Return period during the school year, and you are in the first year of a leave, your position will be released for the remainder of that school year and you will remain on unpaid leave for the remainder of that school year. If you are able to return the following school year, you will return to your building. Any portion of a year of leave constitutes a year of leave.

    - **Second Year of Leave** – If you choose not to return to work following your first year of leave, or have a need to go out on leave again the second year, your leave may be extended for a second year. If you are on a leave for longer than one year and your Right to Return period is exhausted, your position will be released and you will be placed in a Displaced status for the following school year if you are able to and plan to return.

- **Local 609 – International Union of Operating Engineers - Leave Period and Right to Return** - Under the terms of the Collective Bargaining Agreement your position is protected for the period of time covered by FMLA, or the duration of your own accrued paid Leave plus a 25 day unpaid grace period; whichever is longer. Additionally, child care leave, without pay, may be granted for a period of one year immediately following the period of physical disability (childbearing leave) or adoption and shall be inclusive or rights under the FMLA and/or Washington State law.

- **Non Represented Employees and Other Union Groups (not SEA or Local 609) - Leave Period and Right to Return** – Your position is protected for the childbearing disability period and FMLA/FLA.