

Congratulations! Preparing for the birth of your baby is an exciting time. It is also a time to prepare for when you will be absent from work. The following information is to help you smoothly transition through this wonderful time in your life and to answer some basic questions.

I'm pregnant, now what do I do?

Since each situation is different, the GBEA recommends that you contact our office at 468-4232 prior to discussing your pregnancy with the Human Resources office or your principal.

Whom do I need to notify that I'm pregnant?

The GBEA recommends that you contact the Human Resources office during your fourth or fifth month of pregnancy to request family/medical leave forms. At the same time you should notify your principal to begin making arrangements for a substitute if your leave takes place during the school year. When returning the family/medical leave forms to the District, your doctor will need to certify in writing your anticipated due date.

How long is the normal period of disability?

The State of Wisconsin requires a 6 week leave for disability after the birth of a child. An 8 week disability period is allowed for a Caesarean delivery.

Will I be paid during my disability leave?

You will use your accumulated sick leave first. If you do not have enough sick leave, you will receive 82.5% percent of your salary through the Income Protection Plan (IPP).

What happens if part of my disability leave occurs during a recess?

You have 6 consecutive weeks of disability. Unpaid days within the 6 weeks count toward the 6 weeks.

Can I extend my leave beyond the six weeks?

Yes. You have several options for extending your leave. Members have the option of using a child-rearing leave

(under the teacher contract) or using Wisconsin or Federal Family Medical Leaves.

How does WMFLA or FFMLA work?

Provided you have worked for 1,000 hours and have been employed for 52 weeks, by the District, under the Wisconsin Family and Medical Leave Act (WFMLA) you are entitled to 2 weeks of leave for your own or your spouse's serious health condition (e.g., childbirth) and 6 weeks of leave for childrearing purposes or the purposes of adoption.

Under the Federal Family and Medical Leave Act (FFMLA), if you have worked 1,250 hours and have been employed for 1 year by the District, you are entitled to up to a total of 12 weeks for your or your spouse's serious health condition (childbirth) and childrearing. Your leave under WFMLA and FFMLA typically runs concurrently—thus permitting a total of 12 weeks for leave for birth/childrearing. In some rare circumstances, such as a complicated birth, a birthmother may be entitled to more than 12 weeks of leave.

How does the contract provision child-rearing leave work?

You may take a child-rearing leave, which is a non-paid/no benefit leave of absence, for no longer than one year following the birth of your child. You may not return to your position, except at the beginning of the school year or at the start of the second semester.

You may use the WMFLA/FFMLA to provide insurance benefits for a portion of this unpaid leave, provided you meet the requirements. Since this can be complicated, the GBEA recommends that you discuss this with the GBEA staff.

You may begin the leave at the conclusion of your disability leave due to the pregnancy, or if the conclusion of your disability is within nine (9) weeks of the end of the school year, you may defer the beginning of the leave until the following school year.

Can I ever change my leave request?

At any time up to 10 work days after the birth of your child (except when complications, confirmed by your doctor, justify an extension) you may alter your leave request. (Contact the GBEA office first.) After the 10 days expire, the leave will stand as originally granted.

Can I substitute or replacement teach in the District during my unpaid child-rearing leave?

Yes. You may not be denied the opportunity to substitute or replacement teach within the District in the area of your certification or competence based on the fact that you are on unpaid child-rearing leave.

How does the contract provision family leave work?

Family leave is granted, upon request, as a non-paid/no benefit leave of absence for up to two (2) years. However, after the first year of leave, you will vacate your position and will need to return through the arena scheduling process to an open position for the ensuing school year.

How does salary placement work while I'm on leave?

As long as any unpaid leave falls under WMFL/FFML, you will move up a full step on the salary schedule the following year. However, if you work less than 90 work days in a given school year you will not advance on the salary schedule.

Is my seniority affected by being on maternity leave?

No. Your seniority date is the day you begin working for the Green Bay public schools. Leaves of absence do not affect your seniority.

Will the District continue to pay my health-insurance premiums while I am on leave?

Yes. While you are on either WFMLA or FFMLA, the District is required to continue health and dental insurance in the same manner as if you were working, even when leave is unpaid. However, if you fail to return to work following your leave, the employer may be able to recover the premiums paid on your behalf while you were on leave.

You're Having A Baby:

Your Rights and Responsibilities



What if I work part-time?

Part-time teachers are eligible for disability benefits, just like full-time teachers. You are also eligible for the child-rearing and family leave contract provisions. However, in most cases you would not be eligible for WMFLA or FFMLA.

What if I am job sharing and go on leave?

The District will either replace you with a substitute, or your partner has the option of working for you during the time of your leave.

What happens if my spouse is also employed by the District?

FFMLA provides that when a husband and wife are employed by the same employer they are only entitled to a total of 12 weeks if the leave is taken for childbirth or adoption. This limitation does not apply to the other bases for taking Federal leave.

WFMLA has no such limitation. Therefore, regardless of whether or not one spouse takes the entire 12 weeks of Federal leave, the other would still be entitled to all of their rights under Wisconsin law. For example, in the case of childrearing leave, a birthmother could take her disability leave, plus 6 weeks of childrearing following the disability period. She would then have exhausted all of her State and Federal leave. The father would still have 8 weeks of leave. This is because there is no spouse limitation in Wisconsin law, and the father has an independent right under State law to 6 weeks of leave for childrearing. He can also probably take 2 weeks of Wisconsin leave for the serious health condition of his wife during her recovery period.

Can I take my childrearing leave intermittently?

Under WFMLA, the 6 weeks of leave for childrearing purposes must commence within the first 16 weeks of the child's birth. If you decide to take your childrearing leave intermittently, you must commence the last increment of the childrearing leave before the expiration of 16 weeks following the child's birth. Individual days count as an increment.

You must provide your employer with a sufficiently definite schedule of your intermittent leave prior to commencing your leave. WFMLA permits you to take intermittent leave in increments equivalent to other non-emergency leave (e.g., if the District allows employees to take sick leave in half day increments, you can take WFMLA childrearing leave in half day increments).

Under FFMLA, leave for the birth of a child must be taken within the first 12 months of the child's birth. Thus, any intermittent leave must be completed in that 12-month time frame. A District may temporarily transfer an instructional employee who takes intermittent leave to a noninstructional position. Also, under the FFMLA, an employer may be able to deny intermittent childrearing leave.

Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation, when the employee would not have been required to report for duty, is not counted against the employee's FMLA leave entitlement.

Are there special rules for educational employees?

Under the FFMLA, yes. These rules generally address leave taken near the end of an instructional term or employees who desire to return at the end of an instructional term. For example, an employee who begins leave during the three-week period before the end of a term may be required to continue taking leave until the end of the term if the leave will last more than five working days. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.



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