

# VERONA PUBLIC SCHOOLS

## MATERNITY LEAVE GUIDE

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**Contact VEA maternity specialist with questions:**

Christine Sepcie- [sepcie97@gmail.com](mailto:sepcie97@gmail.com)

\*\*The Maternity section of the Contract is Article 18

# Definitions of Leaves for childbirth and child-rearing.

The three different leaves of absence related to your pregnancy and birth of your child are explained below. How you use them is your decision. See *visual A*.

## **1. The first leave: Maternity Disability (use of unused sick time- paid by district.**

### **Health benefits undisturbed)**

*Employee uses all or a portion of accumulated sick leave and will receive full compensation for all days so used*

- Begins 30 calendar days prior to the expected delivery date and ends 30 calendar days after the date. You are legally presumed to be too disabled to work during this time period, but you can choose to work closer to your due date or return to work sooner, if you are medically able and wish to do so. If you do not have enough accumulated sick days to receive pay for all of the time when you are unable to work due to maternity disability, your leave will be without pay after your sick days are exhausted.

If you choose to take this leave, within each 30-day period, you are entitled to use 20 paid sick days, if you have that many days accumulated. You may use any remaining Family Illness days in addition to the 20 paid days *after* the birth of your child. You may use more for a longer period of time if a physician certifies that you are disabled from working for a longer time period, both before and after the birth. For example, a pregnancy complication or an extra two (2) weeks for a Caesarean delivery. However the “normal” time for disability is four (4) weeks prior to the birth and four (4) weeks after the birth.

EXAMPLE: Employee has fifty (50) accumulated sick days. The due date of the birth is November 15<sup>th</sup>. Employee counts backwards twenty (20) school days to determine the commencement date for the paid leave portion. Next, employee counts forward twenty (20) school days beyond and including the due date of November 15<sup>th</sup> to determine the date of termination of the paid portion of the disability leave from the district.

\*\*The actual usage of days will likely be slightly altered based on the date the birth occurs.

## **2. The second leave: Family Leave (according to Chapter 261.P.L. of New Jersey, 1989. Unpaid- Health benefits maintained)**

*Employee's statutory right to care for and bond with child*

- Begins when you are no longer medically disabled but wish to remain out of work to care for and bond with your new child for up to twelve (12) additional weeks. It can commence at the end of your first leave. During this time, you may qualify for state Family Leave payments (similar to unemployment benefits). These payments may last for up to six (6) weeks and will be approximately two-thirds of your weekly salary up to a maximum of approximately \$572.00 per week. To apply for these payments, you must give

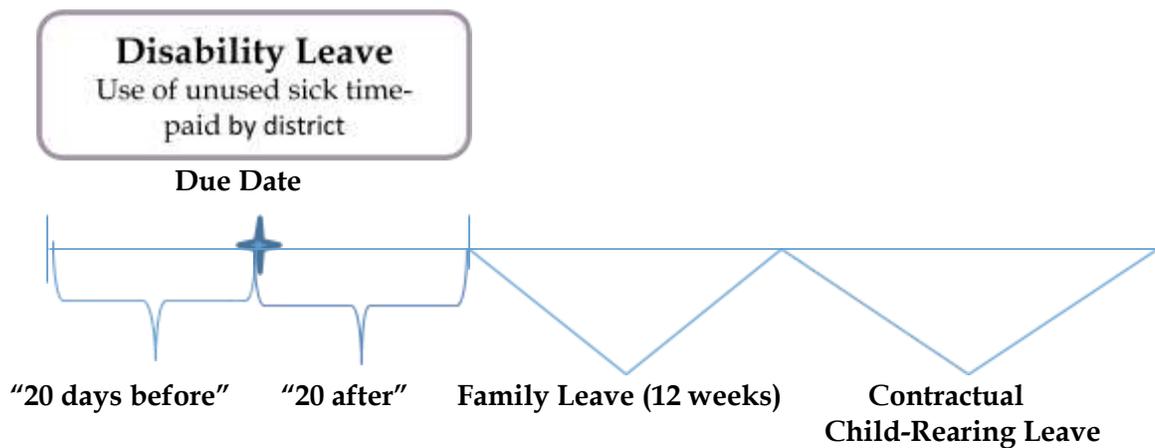
your employer thirty (30) days advance notice of your due date and you must apply to the state within 30 days after the family leave begins. You may request the necessary forms from your employer (Donna Cook- Payroll Bookkeeper) now so you will have them for later use. If you choose to *not* use your contractual (third) leave, you return to work at the completion of this period.

NOTE: Family leave benefits freeze over the summer. For example, if your Family leave days commenced on June 1<sup>st</sup>, you would use four (4) weeks for the month of June, “freeze them” over the summer and resume your remaining eight (8) weeks starting September 1<sup>st</sup>.

**3. The Third Leave: Child-Rearing under our Association’s contract (unpaid, Health insurance no longer paid for by Board)**

*Employee’s contractual right to extend child-rearing and bonding*

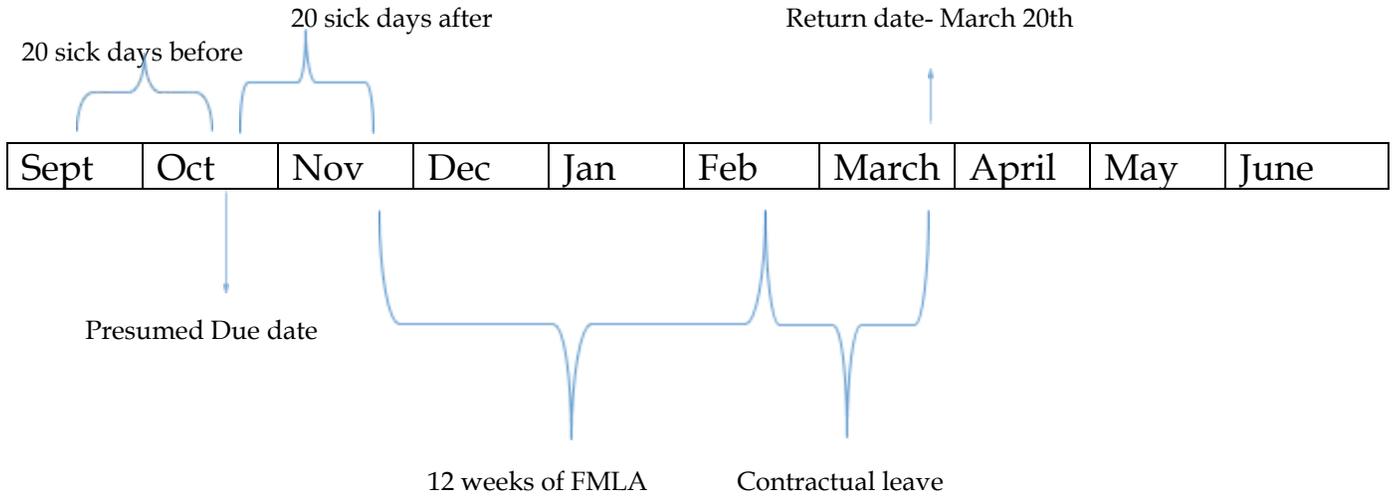
- Begins immediately after the completion of the statutory Family Leave of absence and is a period of time wherein the employee continues to be away from her teaching post and does not receive salary or Board-paid health insurance for such absence. You have an option to purchase health insurance at the Board’s group rate under COBRA, a federal law. The Board’s Secretary will supply you with the necessary forms. This portion of the total leave may continue for the full term stipulated in the contract (24 months) or may be for a lesser period of time provided that the teacher’s request to return to her post does not substantially interfere with the educational process. Generally, this has been determined as September, January, February and March as feasible, non-interrupted return periods.



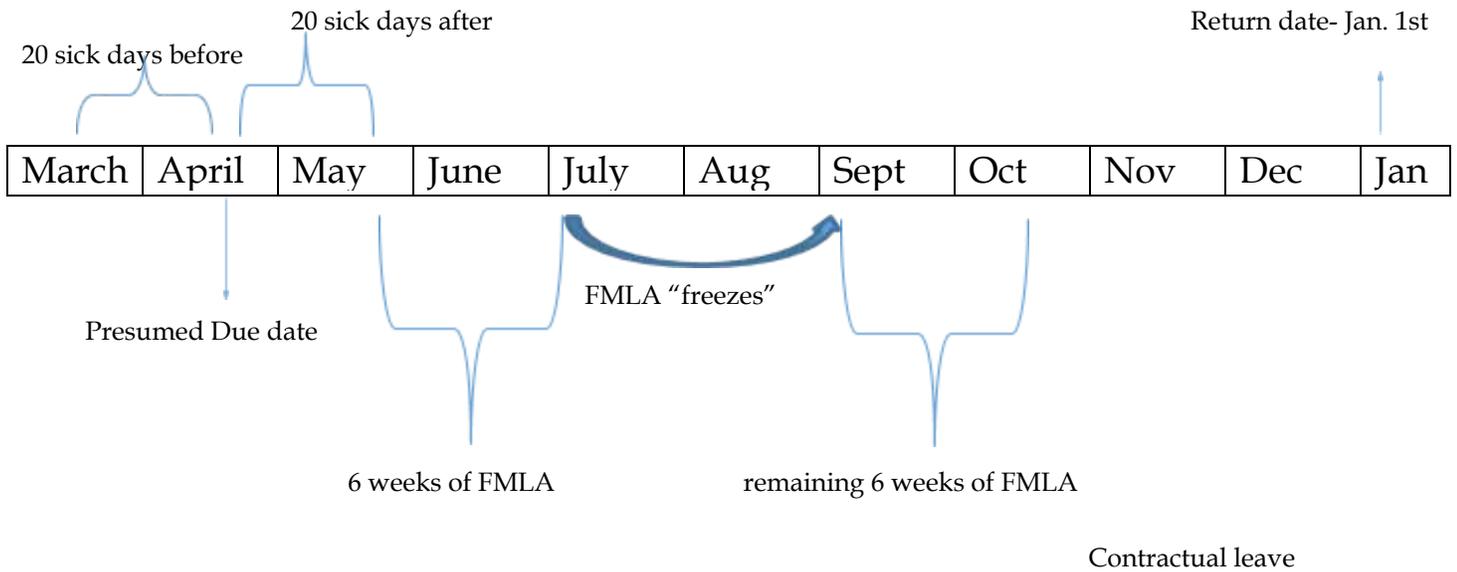
*Visual A*

# Hypotheticals

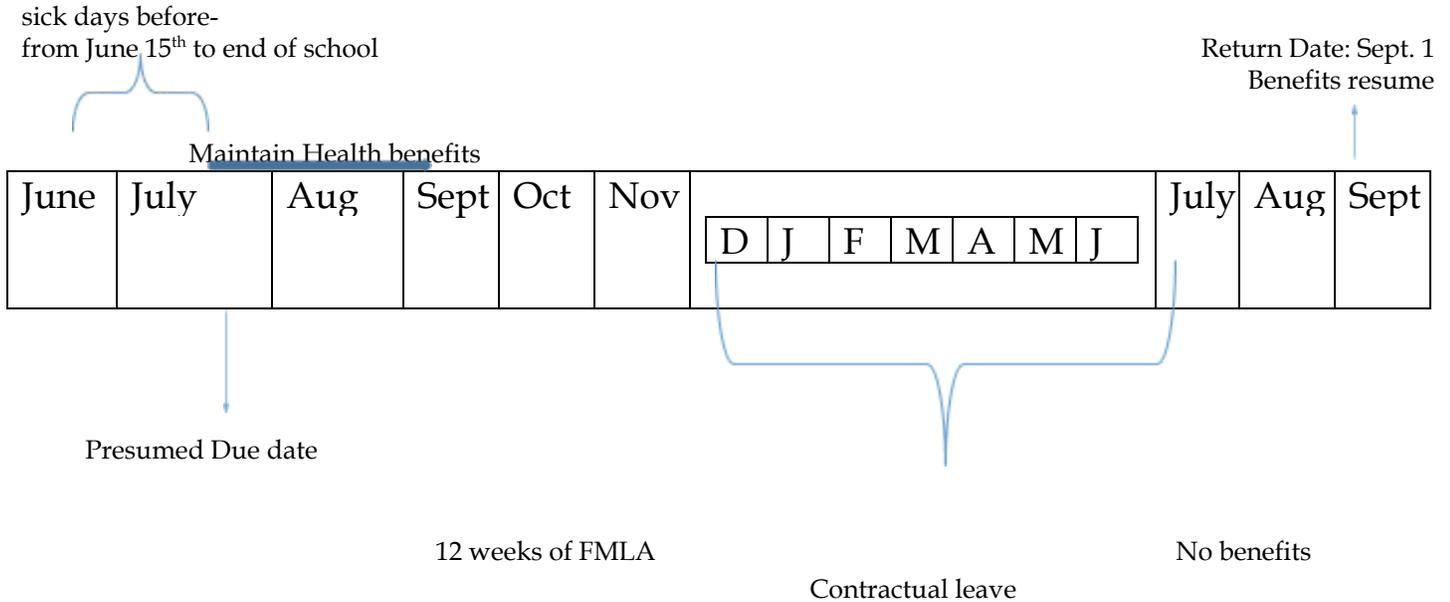
#1- Employee has 40 available sick days, with a due date of October 15<sup>th</sup> and would like to return in March.



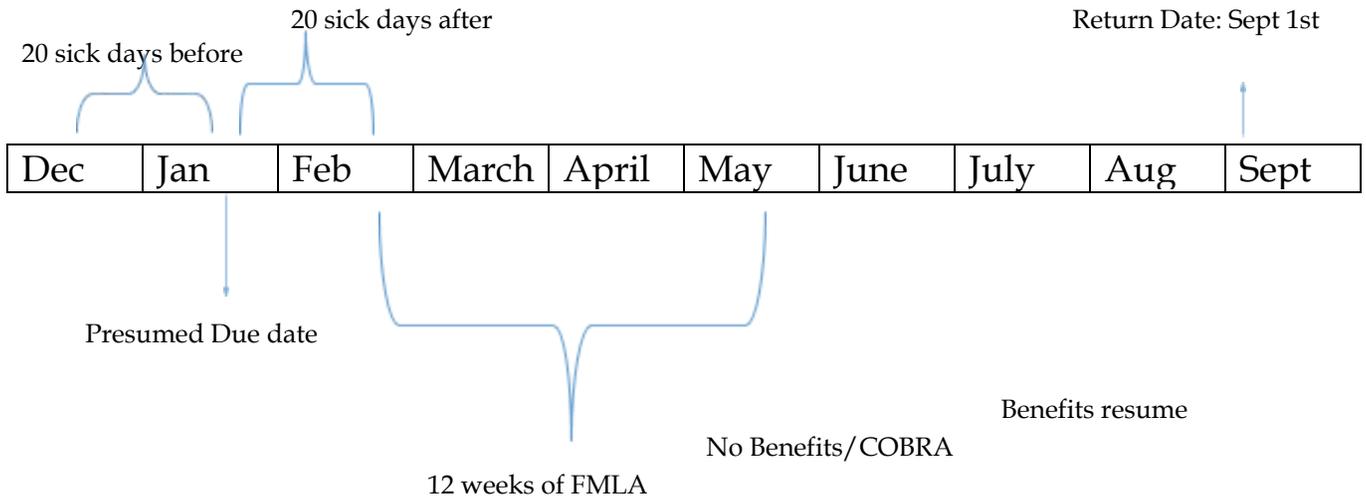
#2- Employee has 40 available sick days, with a due date of April 15<sup>th</sup> and would like to return January 1st.



#3- Employee has 40 available sick days, with a due date of July 15<sup>th</sup> and is planning on returning the following September.



#4- Employee has 40 available sick days, with a due date of January 15<sup>th</sup> and is only returning at the completion of FMLA for the sake of getting health benefits over the summer. She does not have to return in May but can return in September.



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### *<sup>1</sup>Frequently Asked Questions:*

These are common questions that may not be addressed by the contract but are either statutory or Board policy. Just as every pregnancy is different, every maternity leave is different depending on due date, time of leave, etc... Please refer to these for guidance and make an appointment to discuss with the VEA maternity representative. All matters will be kept confidential.

#### **\* What should I do first when planning my maternity leave?**

As a courtesy, you should verbally tell your building principal and/or subject supervisor when you are ready to start sharing the news. Submit a formal letter to the Superintendent notifying him/her of your estimated due date provided to you by your physician, the beginning and end dates of your leaves and the date you plan on returning. The earlier you submit a letter, the more options for your replacement the Board is likely to have. However, the latest you can submit your letter is sixty (60) days before your leave commences. See sample letters.

**\* Instead of dividing up my 40 sick days for phase 1 of my leave into 20 days before and 20 after my due date, can I customize them? For example, use 10 days before the birth and 30 days after?** No. You can minimize how many total unused sick days you take, i.e. only take 10 days before but you cannot customize them to use more than 20 days after the actual birth.

#### **\*What constitutes an extension and is it possible to put a later return date and request to return earlier than expected?**

- An extension is made if you decide to change your return date that was previously approved by the BOE. If you choose to change that initial date that would be deemed an extension.
- Yes, you can put a later date as your return in your initial letter and request to return earlier with the approval of the Superintendent.

**\*What happens to my days if I deliver earlier than the estimated due date that the doctor predicted?** If the baby arrives earlier than the anticipated due date, the rest of the "20 days before" will not be used. The "20 days after" will begin the next day.

**\* When I return from work after taking leave, do I still move up to the next step?** Refer to the contract Article 15 Section 6 regarding increment. If you are absent for 90 or less school days, you will receive regular increment. If you are absent for more than 90 school days but less than 135 days, you will receive 1/2 of the regular increment. If you are absent for 135 school days or more, you will not receive any increment.

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**\*Since we now share the Health care premium cost with the Board, do I still have to pay while I am on Family Leave?**

Yes, you do still have to pay. You will pay retroactively when you return in monthly installments. The back deduction is spread out over twelve (12) weeks. If you'd rather pay the back deduction in another way, you can notify Donna Cook and pay upfront (while on leave) or retroactively in one lump sum when you return.

**Reminder:** That payment is in addition to whatever percentage you are paying for the current coverage as well.

**\*What needs to be done after I have my baby so that the baby is covered by my health insurance?**

Advise the Board office (Cheryl Nardino) of the baby's name and date of birth.

**\*After the FMLA time expires and I am still on maternity leave how do I apply for Cobra?**

- The BOE automatically notifies COBRA after your 12 weeks of FMLA coverage are completed.
- You will be mailed the paperwork from Amerihealth and it is your decision if you choose to complete the forms and mail them back.
- YOU DO NOT NEED TO NOTIFY the Board office if you choose Cobra, but it is the employee's responsibility to mail the forms in to Amerihealth.

**\*As I plan to return after my maternity leave, when will my insurance be reinstated? Is there anything I need to do prior to my return?** Your insurance will be reinstated the day you return to work. If you have a claim for the baby prior to a new insurance card, submit it to Amerihealth.

**\*If I am on maternity leave through the end of the school year beyond the 12 weeks of FML and plan on returning as of September 1<sup>st</sup>, when is my insurance reinstated?** Insurance will be reinstated the first day you return back to work.

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**\*Upon returning from my maternity leave, what are the guidelines followed for sick days, personal days, etc.? Are they contingent upon when you return and how long your leave is?** You will receive the same number of days as all staff

**\*If I have a baby in the month of July or August, what days am I permitted to use?**

Since State law requires your “20 before” and “20 after” days to be within 30 calendar days of the birth, you are permitted to either use the days in September or June, whichever is within 30 calendar days. For example, a July 12<sup>th</sup> birth date will allow the employee to use the last couple of weeks in June but none in September. An August 12<sup>th</sup> birth date will allow the employee to use the first couple of weeks in September but none in June. An employee whose child is born on August 1<sup>st</sup> will not be permitted to use *any* days as school will not be in session 30 days before *or* 30 days after.

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## ***For Your Information...***

### **The Family Medical Leave Act (FMLA)**

[http://lwd.state.nj.us/labor/fli/content/fli\\_fact\\_sheet.html](http://lwd.state.nj.us/labor/fli/content/fli_fact_sheet.html)

<http://www.state.nj.us/lps/dcr/law.html#FLA>

It is the employee's responsibility to fill out all parts of the application. Part D will be filled out by Donna Cook (Payroll Bookkeeper) after your "20 days after." It is also the employee's responsibility to mail the FML act information to the state of NJ. Do not send your information to the board office to mail out.

### **Disability Insurance**

- If you have disability insurance through Prudential, contact them before you decide on when your maternity leave will commence & terminate to find out exactly how long you will be paid for & how much. If you work up until the delivery date, you will be compensated for 2 weeks less than if you took off the 2 or more weeks prior.

### **Medical Coverage Issues**

- If you deliver at St. Barnabas, please be aware that none of the anesthesiologists are part of AmeriHealth, but are 100% covered because St. Barnabas is in network. AmeriHealth is responsible for the entire bill. You may still receive a bill that AmeriHealth denied because it was submitted immediately by NJ Anesthesia. Please contact Grinspec and have them follow up with AmeriHealth to pay the entire bill. You should not have to chase after them to pay this bill.
- Cobra does not cover Delta Dental Insurance.

### **Pension**

- IMPORTANT NOTE: While you are entitled to take 24 months as per our contract, if you do not pay into the pension for more than 24 months, you fall out of the system and will be considered a "new hire" and will be placed on Tier 5 when you return.  
[TPAF Requirements & Hire Date Tier Chart](#)
- You can buy back part of the time you were on leave for pension calculation. Consult the link to the TAPF website.  
<http://www.state.nj.us/treasury/pensions/>

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