



**Contra Costa Community
College District
(4CD)**

**MATERNITY,
PATERNITY &
PARENTAL LEAVE
HANDBOOK**

**Prepared by
United Faculty of 4CD**

First Edition • 2020

This guide is intended to offer basic information about common leave options; however, it is no substitute for talking with District Human Resources and the union, United Faculty.

To talk to a UF representative about leave options and related issues, call the UF Office at 925-680-1771.

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Leaves for faculty are covered by Article 12 of the UF/4CD Collective Bargaining Agreement (CBA or “Contract”). The contract is available for review on the United Faculty website: uf4cd.org.

United Faculty (UF) is the exclusive representative and collective bargaining agent for all faculty (full-time and part-time) in the Contra Costa Community College District (4CD). The UF functions in three main areas: collective bargaining (negotiating faculty salaries and working conditions); local support (answering faculty questions, helping resolve disputes, and advocating locally to protect faculty rights); and statewide advocacy (fighting for investment in education and laws that support students and faculty).

The UF’s strength and success depends on our members! To join United Faculty (or to confirm that you are a member, contact our Office Administrator, Faby Hadley, at 925-680-1771 or uf@uf4cd.org. The UF Office is housed at Diablo Valley College (FO-121). We are always happy to answer questions about leave options or anything related to work in 4CD. Hard copies of this booklet are available upon request. *Special thanks to Professor Dorian Eidhin (DVC English) for planning and drafting this booklet!*

Section 1: Maternity and Paternity Leave Options

When faculty say “Maternity” or “Paternity Leave,” we tend to mean the time a parent-to-be takes off in order to have and care for a new or arriving child. However, officially speaking, this period of time is often comprised of different types of leave taken in succession, including but not limited to Maternity Leave as a kind of sick leave (for pregnant people), Parental Leave, Paternity-Leave, Family Leave, and Personal-Necessity Leave. For full-time faculty, your time off may also include using banked load (if you have it), an underload, or Unpaid Leave.

Read on to learn more about your Maternity and Paternity Leave options.

MATERNITY LEAVE (as sick leave)

If you are pregnant, Maternity Leave often kicks off the series of leaves you will take. Its length (your leave-and-return-to-work dates) is determined by you and your doctor. A common time frame is 3 or 4 weeks before a birth/Cesarean section and 6 to 8 weeks after. The maternity leave that can cover this 9-12 week period is a form of sick leave, intended to cover “disabilities” related to being pregnant/giving birth/having a Cesarean section.

Maternity Leave starts by drawing down your accrued sick days (full-time faculty accrue 12 days/year; part-timers accrue a pro-rated amount based on their assigned hours). If you’re a relatively new faculty member or if you don’t have a large bank of accumulated (accrued) sick days, then you may also request through your department chair or dean or through the union, United Faculty, a donation of sick days from other faculty (with some restrictions). If you are still on Maternity Leave when your sick days are exhausted (including donated sick days), then you may go on a kind of Extended Illness Leave for the rest of the time (see below). All of this together is considered Maternity Leave.

If you plan to take more time (if, for example, your Maternity Leave covers the first twelve weeks of the semester, but you'd prefer to stay out for the remaining four weeks), you may combine Maternity Leave with other types of leave (e.g. Parental Leave) or with other options, including banked load or underload. (These options are described elsewhere in this booklet.)

Pay: While you use accumulated and/or donated sick days, you will be paid in full. Once you exhaust these sick days, you may go on Extended Leave and receive differential pay, which is the difference between what the substitute(s) for your classes earns and what you earn. If your substitute earns more than you do, then you won't receive any pay.

Benefits: While you're on Maternity Leave (including Extended Leave on differential pay), your benefits are fully maintained and paid for by the District (except for the 6% of premiums all faculty pay and any additional premiums you might pay as part-time faculty, depending on your load).

DONATED SICK LEAVE

While some faculty may feel shy about asking for donated sick leave, it's actually a great option that can bring you great benefit at low cost to the donors. (Consider: if five people each donated a single day, it would not greatly deplete their supplies of accumulated sick days, but it would grant a fully-paid week to a faculty member in need.) If you are a relatively new faculty member or if you're low on accumulated sick days, consider asking your department chair, dean, the UF to make a request on your behalf.

Many faculty are happy to donate sick hours to their colleagues in need.

PARENTAL LEAVE

Parental Leave entitles faculty who have completed at least 12 months of service in the District to 12 weeks of leave for the purpose of bonding with a child. If you take Maternity Leave (as sick leave), you are also eligible for Parental Leave. One option is to take Parental Leave after your maternity dates have ended. In this case, you will first receive full pay (from your accumulated and/or donated sick days) followed by differential pay while you finish out your Maternity Leave; then, you'll move to Parental Leave, receiving either 50% pay or differential pay, whichever is higher. (However, if you didn't exhaust your accumulated and/or donated sick days while on Maternity Leave, then your Parental Leave will start by drawing down these days, and you'll be paid in full as you use up your remaining sick days.)

Another option for pregnant people is to start your leave with Maternity Leave, but then abbreviate that Maternity Leave, moving to Parental Leave after you've exhausted your accumulated or donated sick days but before you go on differential pay. One reason for making this move could be to avoid differential pay, which is often lower than the 50%-pay option afforded by Parental Leave. (Since these choices are tricky, it's a good idea to talk with a United Faculty representative about your particular situation and which option might work best for you.)

You may also take Parental Leave if you're married to/domestic partners with a pregnant person, or if you're fostering or adopting a child. In these cases, your Parental Leave will start by drawing down your accrued and/or donated sick days. After you've exhausted your sick days, you'll be paid either 50% or differential pay (see explanation above), whichever is higher. (Note: spouses/partners and foster/adoptive parents may take Family Leave or Personal-Necessity Leave before going on Parental Leave; see below.)

Pay: In general, pay for Parental Leave is 50% or differential pay, whichever is higher. However, if you haven't exhausted your accrued and/or donated sick days, Parental Leave will begin by

drawing on those sick days, and you'll be paid in full until you've exhausted them; at that point, you'll earn 50% or differential pay, whichever is higher.

Benefits: While you're on Parental Leave, your benefits are maintained and paid for by the District.

FOSTER/ADOPTIVE PARENTS & NON-PREGNANT PARTNERS

If you are fostering or adopting a child, you are entitled to seven days of paid Personal-Necessity Leave (which draws from your accrued and/or donated sick days). You may extend this time with seven days on differential pay.

As a foster/adoptive parent, you may also be entitled to up to 12 weeks of Parental Leave. (If you and your spouse/domestic partner both work in the District, there are specific rules governing your eligibility for 12 weeks of Parental Leave. Be sure to check in with District HR about this situation.) To use Parental Leave, you must first draw down your accumulated and/or donated sick days (and you'll be paid in full as you do this), and then you'll receive either differential or 50% pay, whichever is higher. You may opt to take Parental Leave instead of going on seven days with differential pay.

Note: You must have completed 12 months of service in the District in order to be eligible for Parental Leave. Also, you must take Parental Leave within a year of a child's placement. However, you do not have to use all 12 of your Parental Leave weeks all at one time.

If your spouse or domestic partner is having a baby and has some kind of medical need, or if your new child has a medical need, you are entitled to six days of paid Family Leave (which draws from your accumulated and/or donated sick

days). You may extend this time with 12 days at differential pay. In the contract, this combination of Family Leave plus 12 days of differential pay is referred to as “Paternity Leave,” but it applies to all spouses/domestic partners. If your spouse/domestic partner or child doesn’t have a medical condition to which you need to attend, you may be eligible for Parental Leave (see above).

There is also an option in the contract for extended paid family leave if other options have been exhausted (contingent on funding). If your spouse/partner or child has extended medical issues, you should always check with the union, United Faculty, to review and discuss leave options.

OTHER OPTIONS

Banked Load: For full-time faculty, banked load is time you can spend away from work, time that you have earned by having previously worked for load in lieu of money. You can use banked load to cover part or all of the time you need/want to have and care for a new child. You can also use banked load in combination with other paid or unpaid leaves. One important thing to know about banked load is that you cannot accrue more than .40 load a semester.

Banked Load Pay and Benefits: While you use banked load, you’ll be paid in full, and your benefits will be maintained and paid for by the District.

Underload: Like banked load, underload is only an option for full-time faculty. If you plan to be out for an entire semester, you may find that your leave options result in a short gap at the end of the semester. If you don’t want to go on Unpaid Leave (see below), and it doesn’t make sense to come back to school for such a short time, you may, with

management's agreement, be able to take an underload. In this case, you will be paid as if you had taught a full load; however, you will owe load to the college. In general, you are expected to make up owed load within the following three semesters (usually by teaching an extra class or two in fall, spring or summer/winter intersession). If you're considering an underload, it's a good idea to contact the union; United Faculty can help you figure out if underload makes sense for you.

State Disability Insurance: Only part-time faculty are eligible for SDI. As a pregnant mom, you can receive up to four weeks of Disability Insurance (DI) benefits for a normal pregnancy before your expected due date. You can also receive up to six weeks (for normal delivery) or eight weeks (for Cesarean section) of DI benefits after your delivery to recover from childbirth. Part-time faculty in 4CD pay into SDI, so this is a benefit faculty purchase and should use. It is coordinated through the State Disability Office (800-563-2441), not through the District. The SDI website is a good place to start and to calculate your benefit: https://www.edd.ca.gov/disability/pfl_mothers.htm.

Unpaid Leave: Faculty may take Unpaid Leave for a variety of reasons. If you take Unpaid Leave, you must pay out of pocket for your benefits. Unpaid Leave also incurs a loss of service credit with STRS. In other words, the time you spend on unpaid leave will subtract from the total amount of service time you put in at the District and will therefore have a negative impact on your

Leave & Tenure

As long as you maintain at least 75% paid status, taking leaves or an underload or using load bank does not affect your tenure process, even if you must change your evaluation schedule. (However, Unpaid Leave may affect your tenure time clock.)

retirement benefits, which are calculated, in part, using your total service credit. Additionally, for probationary full-time faculty, taking Unpaid Leave can delay your tenure-review time line. (You must maintain 75% paid status to stay on your original tenure time line.) If you're considering an Unpaid Leave, it's a good idea to check with the UF. There is often a better option.

For part-time faculty, one can take a semester off unpaid without applying for "Unpaid Leave," simply by declining teaching assignments. But be sure to communicate your plans to your department chair with plenty of lead time, and note that part-timers who decline teaching assignments for more than one semester can be disqualified from and/or lose staffing preference.

Section 2: Planning and Taking Leave

Working with your doctor (if you're pregnant), United Faculty, and District Human Resources, decide which combination of leaves will work best for you. Plan ahead (if you can): you usually need to request leave at least 30 days before its start date. Part-time faculty whose leave plans include breaks between semesters or overlap semesters should contact the Union, because such breaks can be tricky to navigate (and involve too many variables to summarize in a booklet).

To request leave, fill out and submit a Request for Leave form. You can find this form on the District's website, 4cd.edu, in the Human Resources section, under Employment Forms. To use banked load, submit a request to your chair or dean.

If any part of your leave will be Maternity Leave, you will also need a doctor's note both establishing your specific leave-and-return-to-work dates and the medical necessity of your leave. A doctor may also extend or shorten your

Maternity Leave (and, thus, your leave/return dates) if necessary.

If you take Family Leave to care for a spouse/domestic partner who has had a baby, you will need a doctor's note. Talk with your chair and dean so they know what's going on.

With the exception of banked-load use and unpaid-leave, requests go to District HR; banked load and unpaid-leave requests are determined by each school and should go to your dean.

Section 3: Frequently Asked Questions

If I'm going on a leave with differential pay, do I have to find my own substitute(s)?

No. Your department chair and dean are responsible for finding substitutes.

If I haven't worked for the District for a full year and am not eligible for the Family Medical Leave Act (FMLA) protections, am I eligible for Maternity Leave (as sick leave)? Am I eligible for Parental Leave?

You are eligible for Maternity Leave, although if you don't have very many accrued sick days, you may spend a long span of time on differential pay. Note: you can get donated sick leave to augment your supply of accrued sick days. Talk to your chair, the dean, or the union, United Faculty, about this). You are not eligible for Parental Leave.

What if I don't want to use my accrued sick days?

You must exhaust your accrued and/or donated sick days in order to take Maternity or Parental Leave. If you don't want to use up your sick days, you can opt to take Unpaid Leave or use banked load.

Do I have to take all 12 weeks of Parental Leave consecutively?

No. You may break up your 12 weeks, so long as all the weeks are taken within a year of a child's birth or placement. Leave must be taken in blocks of at least two weeks with the exception that shorter blocks of time can be taken twice.

What's differential pay?

Differential pay is the difference between what a substitute earns and what you would have earned; however, if a substitute's rate of pay is more (or the same) as your own, then you won't get anything. You get differential pay when you are on Maternity Leave but have exhausted your accrued and/or donated sick days. You may also receive differential pay when your spouse or partner has a baby or when you are adopting/fostering. Time on differential pay is generally short because in many cases you'll switch to a type of leave (especially Parental Leave) that gives you either differential or 50% pay, whichever is higher.

Are there cases when I'll have to pay for my benefits out of pocket?

If you are taking Maternity or Parental Leave, or if you're using banked load, your benefits will continue to be covered by the District. You must pay out of pocket if you take Unpaid Leave.

If I'm on Maternity Leave (as sick leave), can I receive disability payments from the State?

Only if you are part-time faculty. Our district doesn't pay into the disability program for full-timers, so full-time faculty are not eligible for disability payments for maternity-related absences (which are considered short-term). However,

er, full-time faculty may apply for long-term disability from the State.

Do I accrue sick days while I'm on leave?

On paid leaves, yes; on unpaid leaves, no.

What are FMLA and CFRA and how do they relate to other leaves I might take?

The Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) are federal and state laws (respectively) that protect workers' jobs in the event that they have, foster, or adopt a child. While the laws ensure that workers won't lose their jobs, they only guarantee unpaid leave. Fortunately, our union has negotiated all sorts of paid options. In general, because of our negotiated options, faculty don't need to rely on FMLA; still, if you want a kind of extra safeguard, you may fill out a Family Medical Leave Act form and submit it to the District office. You must have been at your current job for a year in order to be eligible for FMLA protections; you must have worked for 1,250 hours the previous year, in order to qualify for CFRA.

How does leave affect any raise for which I might be eligible?

If you are on any kind of paid leave, or if you are taking an underload or using banked load, you will still be eligible for negotiated raises to your salary. You're not necessarily eligible for raises while on Unpaid Leave. If you opt for Unpaid Leave, check in with HR and the union about your eligibility for raises.

What if I've taken a semester off and would like to take even more time?

Full-time faculty may take up to two years off and still keep their jobs. However, much of this will probably be Unpaid

Leave. Also, restrictions may apply. Part-time faculty may only be absent one semester without potentially losing staffing preference, but some part-timers have negotiated longer breaks in service with their departments. (This is the kind of thing you should definitely talk about with your United Faculty representative.)

Section 4: Leave Planning Checklist

A full-size version of this checklist is available on the UF website: www.uf4cd.org.



LEAVE PLANNING - CHECK LIST

Maternity/Paternity/Parental/Banked Load/Unpaid

(V) CHECK	TASK
	Checklist – Check off items that are completed
	Leave Planning Form
	Doctor’s Note - Secured doctor’s note (required) showing the first and last day of medical leave.
	Sick Leave Donation – ONLY available to United Faculty members. Please see sick leave donation form found at www.4cd.edu . Select Human Resources, Benefits, and Leaves. The catastrophic illness requirement as indicated on the sick leave donation form can be met when the doctor indicates the employee is placed on Pregnancy Disability Leave. Manager may request sick leave donation upon the exhaustion of sick leave by the employee.
	Parental Leave (Optional) Form – Check to see eligibility indicated on the parental leave form.
	Unpaid Leave (Optional) - Requested from manager/supervisor - written approval provided by college/location administrator. Employees on unpaid leave must pay the full premium for health coverage during this timeframe.
	Banked Load (Optional) – Full-time faculty ONLY - Requested usage from manager.
	FMLA Request and Medical Verification Form (optional) – Request form that is found at www.4cd.edu , Select Human Resources, and Benefits.
	State Disability Insurance – Adjunct faculty ONLY – Coordinated through State Disability Office (800-563-2441) NOT through the District. NOT paid into by CCCC for other represented units.
	Leave Dates - Confirm (required) with direct supervisor in order to ensure coverage.

Section 5: Leave Planning Form

A full-size version of this form is available on the UF website: www.uf4cd.org.

	<h3 style="margin: 0;">LEAVE PLANNING FORM</h3> <p style="margin: 0;">Maternity/Paternity/Parental/Banked Load/Unpaid</p>
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Employee ID: _____ Full-time Faculty Adjunct Classified Management Confidential

Employee Name: _____ Job Title: _____ Location: _____ Phone: _____

Supervisor Name: _____ Supervisor Job Title: _____ Supervisor Location: _____ Supervisor Phone: _____

INSTRUCTIONS: Complete the start date and the end date for the leaves that you plan to take. If you do not know the exact dates, provide estimates. If you do not plan to take the leave, circle no. The leaves mentioned below do not overlap. First, maternity or paternity leave is used. For faculty, sick donation may be used next. In the case of maternity leave, the catastrophic illness requirement as indicated on the sick leave donation form can be met when the doctor indicates the employee is placed on Pregnancy Disability Leave. Next, parental leave is taken (optional). Finally, unpaid leave (optional) can be used. Faculty may use banked load. **Please Note:** Unpaid leave is approved by the employee's supervisor and administrator at the employee's location NOT by District Human Resources.

Type of Leave	Participate	Start Date	End Date	Details	Requirement
Maternity Leave	<input type="checkbox"/> Yes <input type="checkbox"/> No			Normally 6 to 8 weeks but maybe longer depending on doctor's note. Employee uses sick leave.	Requires doctor's note showing the first and last day of leave.
Sick Leave Donation (Maternity Leave)	<input type="checkbox"/> Yes <input type="checkbox"/> No			Faculty ONLY. Please see sick leave donation form found at www.4cd.edu . Select Human Resources, Benefits, and Leaves. Manager requests sick leave donation upon the exhaustion of sick leave for the employee.	The catastrophic illness requirement as indicated on the sick leave donation form can be met when the doctor indicates the employee is placed on Pregnancy Disability Leave.
State Disability Insurance	<input type="checkbox"/> Yes <input type="checkbox"/> No			Adjunct faculty ONLY. NOT paid into by CCCCD for other represented units.	Coordinated through State Disability Office (800-563-2441) NOT through the District.
Paternity Leave	<input type="checkbox"/> Yes <input type="checkbox"/> No			Local 1 and Management Manual - 7 Days Personal Necessity Leave plus if pregnancy disability leave (PDL) 12 days 50% pay. UF – Family Leave (6 days sick leave) plus (if PDL) 12 days differential pay.	Pregnancy disability leave requires doctor's note showing start and end dates.
Parental Leave (optional)	<input type="checkbox"/> Yes <input type="checkbox"/> No			Requires use of sick leave until exhausted then use of 50% pay or differential/50% pay depending on requirements for represented unit.	Bonding Leave - Taken within 1 year of birth. Maximum 12 weeks. Must complete Parental Leave request form. Must work for the District for 1 year.
Unpaid Leave (optional)	<input type="checkbox"/> Yes <input type="checkbox"/> No			Requested and approved by the employee's manager and administrator for the college or location. Employee must pay the full premium for their health benefits.	Written requested must be submitted by the employee to the manager and approved by college or location administrator.
Banked Load (optional)	<input type="checkbox"/> Yes <input type="checkbox"/> No			Full-time faculty ONLY requests use of banked load	Faculty members banked load usage approved by manager/supervisor.
FMLA (optional)	<input type="checkbox"/> Yes <input type="checkbox"/> No			Must complete FMLA Request and Medical Verification Form	Forms found at www.4cd.edu . Select Human Resources, Benefits, and Workers Comp

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

Section 6: Parental Leave Form

A full-size version of this form is available on the UF website: www.uf4cd.org.

	<h1 style="margin: 0;">PARENTAL LEAVE FORM</h1>
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Instructions: When requesting parental leave, complete the form below. Return this form, including supporting documentation, to your manager who will then forward it to the College and District Office Human Resources Department. Please note: you must be scheduled to work in order to use sick leave for parental leave.

EMPLOYEE	
Employee's Name: _____	Submission Date: _____
Employee's Job Title: _____	Work Location: _____ Employee ID#: _____
PARENTAL LEAVE REQUEST (AB 2393)-Indicate reason for leave below	
<input type="checkbox"/> Birth of Child <input type="checkbox"/> Adoption <input type="checkbox"/> Foster Care <input type="checkbox"/> Verification Attached (required)	
Date of Birth, Adoption, Foster Care of Child: _____	
Date Requested for Leave to Begin: _____ Return to Work Date: _____	
Will this leave be taken on an Intermittent Basis? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" then attach proposed schedule	
Will you be utilizing vacation to supplement your 50% pay if you exhaust your sick leave? (Local 1/Management Council) <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> In order to be eligible for Parental Leave, all accrued sick leave must be used first. When regular sick leave is exhausted, depending on contract, the leave status changes to 50% pay (Local 1 and Management Council) or differential pay (UF). Vacation leave can be used to supplement 50% pay (Local 1 and Management Council). Employee can use up to 12 workweeks of sick leave to bond with a new child. Leave must be taken within 12 months of birth, adoption or foster care. Leave may be taken intermittently, <u>but</u> must be taken in blocks of at least two weeks with the exception that shorter blocks of time can be taken twice. CFRA runs consecutively with Pregnancy Disability Leave (PDL) Employee must have completed at least 12 months of service with CCCC prior to the leave request date, including part-time employees. Employment does not need to be consecutive. If the leave is intermittent then the proposed schedule, including vacation (if applicable), must be attached. 	
LEAVE APPROVAL RESPONSE –HR USE ONLY	
Completed Leave request form received by (print name): _____	
Date Received: _____	
Leave has been: <input type="checkbox"/> Approved <input type="checkbox"/> Denied Reason for _____	
Signature of District HR Representative: _____	Date: _____

Return to: CCCC, District Office HR Dept., 500 Court Street, Martinez, CA 94553 Fax (925) 229-2490

Section 7: Where to Get Help

Even if you have read this whole booklet and think you have your plan all set, it is a good idea to check in with a UF representative before you submit leave requests. District Human Resources can also answer questions and help you with forms and other procedural steps.

4CD Human Resources

Reed Rawlinson, the District's Benefit Analyst, knows all the ins and outs of leave options and how they work. He is an invaluable resource.

Email: rrawlinson@4cd.edu

Phone: 925-229-6853

United Faculty of 4CD

UF can help you figure out your best options. They can calculate how your different leaves will work, how many sick days you have, how many days you'll be on differential pay, and more. Start by contacting Faby Hadley in the UF Office.

Email: uf@uf4cd.org

Phone: 925-680-1771

Peer Resources

Although not experts in contractual or legal matters, the following faculty members are happy to discuss maternity and paternity-related options with you. Sometimes it can be helpful to talk to someone who has been through the process recently!

Alicia Brizzi (Counseling): abrezzi@dvc.edu

Dorian Eidhin (English): deidhin@dvc.edu

