

Office of Human Resources

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FAQ – CHILDBIRTH LEAVES

This FAQ answers the most common questions asked about childbirth leaves. Contact Human Resources at 952 681-6444 for more information.

What is FMLA?

The Family Medical Leave Act became effective in 1993 and entitles eligible employees to take up to 12 weeks (60 days) of unpaid, job-protected leave in a 12-month period for specified family and medical reasons, including the birth and care of a newborn child. FMLA leave runs concurrently with childbirth leave.

How is FMLA calculated?

FMLA counts days that you are scheduled to work. Therefore, winter break, spring break and summer break, for example, are not counted as part of the 12-week FMLA leave nor would you need to use sick time for these days. If the district asks that you adjust your leave date to accommodate a natural break in the school schedule, your district insurance contribution is continued. You would normally return on a Monday.

There are special rules (Federal Regulation 825.602 posted on the District website under Human Resources - Leaves) for instructional employees whose leave is near the end of a term. Contact Human Resources if you have questions on these special circumstances.

I have sick time accrued. How can I use that during my leave?

You may use sick leave for the portion of time off which is considered a medical disability – typically 6 weeks from the date of birth for a natural birth or 8 weeks for a C-section. The District will grant five (5) paid days of childbirth leave to you, a spouse or a domestic partner. This leave will include the first 5 days of medical disability which would normally be charged to sick leave. If your leave is for more than 6/8 weeks, the remainder of the time off will be unpaid as this time is to care for your baby.

How is my insurance affected during my leave?

During the 12 weeks of FMLA, leave your job is protected and you continue to receive the district contribution to your insurance. You are responsible for the employee share of your insurance. If childbirth leave is more than the 12 weeks of FMLA, you will be offered to continue your insurance through COBRA.

How and when do I add my new baby to my insurance?

Your new baby can be added after birth by completing the PreferredOne Change Form available on our website. Print the form, complete and send to Human Resources within 30 days of the birth. You do not need to wait until you have your baby's social security number.

Can I add my husband/other children to insurance at this time?

Yes, you can add additional dependents at this time. Please be sure to submit the form within 30 days of the birth of your new baby.

How will any unpaid time affect my sick leave accrual?

- If you get your sick leave accrual all at once at the beginning of the year, unpaid time may affect your available sick leave balance.
- If you accrue sick leave on a monthly basis, you will not accrue any sick leave or vacation while on an unpaid leave of more than 10 days.

How will my pay be affected?

If you are out 10 days or less on an unpaid leave, you will see an unpaid deduction on your check for the number of days that are unpaid. If you are out more than 10 days on an unpaid leave, you will be paid out and the employee portion of insurance will be taken to cover the unpaid FMLA time. Voluntary deductions will not be taken during the unpaid time. Upon your return, pay and insurance deductions will be restarted.

- **Example 1:** I'm staying out 12 weeks with 4 weeks paid (5 District childbirth days + 15 accrued sick leave days) and 8 weeks unpaid. How will my insurance and paychecks be affected?
Once the baby is born, your paid and unpaid time will be calculated based on the number of days you have actually worked and you will receive a paycheck. Your pay will then be stopped until you return from leave. If you have an employee cost for your insurance, that amount will be deducted to cover your portion for the 8 unpaid weeks. Your checks will begin again when you return and your pay will be recalculated based on the number of days remaining in the contract year and number of remaining pay periods.
- **Example 2:** I'm staying out 10 weeks after having a C-section. Eight weeks will be paid (5 District childbirth days + 35 days of accrued sick leave). I have 10 days that are unpaid. How will my insurance and paychecks be affected?
Employees who are out 10 days or less on an unpaid leave will get a paycheck each pay period, but will see an unpaid deduction on one paycheck for the number of days that are unpaid. Since this time falls under the 12 weeks of FMLA, your insurance will continue as normal with you covering only the employee share.
- **Example 3:** My baby is due December 1 and I really want to stay out the remainder of the year. How will my insurance and paychecks be affected?
Assuming a natural delivery, you could be paid for up to 6 weeks (5 District childbirth days + your accrued sick leave) and then your pay will be calculated (based on sick time and days actually worked) and stopped until you return in September. Your insurance will stop after 12 weeks of FMLA and you will be offered to continue on COBRA. Be sure to contact HR in August to re-enroll in District insurance.

What happens if the doctor puts me on bed rest before the baby is born?

Bed rest is part of your FMLA 12-week allowance and would come out of your available sick time. Please get a doctor's note with the dates and reason for the bed rest and notify HR as soon as possible. Each case is unique and will be reviewed by the Director of Human Resources.

Does the district offer a short-term disability plan?

No, we currently offer a district paid long-term disability plan only. This plan has a 90-day elimination period (calendar days) before benefits would be paid.

How do I request a leave?

Complete a leave form with start date (typically anticipated due date) and return date. Attach a doctor's note, stating your anticipated delivery date. Give the completed form to your supervisor for approval. Once approved by your supervisor and the district, you will receive a copy back along with an official FMLA form for your records.

Additional Information:

- Notify your school secretary and Human Resources once you have given birth, so we know when to start the 5 paid childbirth days and your leave. This would also be the time to verify your return date so we can accurately process your pay and time off.
- If you are a teacher, Luci Goltz will email you regarding entering your leave time and your paycheck amounts.
- Dependent Care Flex Spending: For information, please see the District website under Human Resources.
- Childcare Leaves: At its discretion, the district may grant one year of unpaid leave to care for a child with a potential second year.