

THE LABOR OF LEAVES

By Kris Fertel

12

“An employee shall be granted one (1) day of paid leave at the birth of his/her child or at the time of legal adoption of a child or the day of adoptive placement of a child” (9.3.8.1 of your contract). In 2007, twelve weeks into my pregnancy, I read that for the first time. Shock and disbelief ensued. Luckily, that was not the only option.

As maternity leave is something that involves a lot of different sources, it is a complex issue that often raises more questions than provides simple answers. The purpose of this column is to try and clarify some of them for those of you who are in the process of conceiving, adopting or just considering.

In terms of maternity/family leave, there are two main issues to consider: what kind of leave (time-off) you have available, and what options for income replacement (pay) during that time off there are.

First, in terms of the faculty contract at Los Rios, you have the following options for leave:

1. Prior to birth, you can bank Type C Leaves of less than a full semester by working overtime and electing not to be paid at the time of working (9.3.8.2.4). This can then be used to supplement maternity/paternity leave (11.7.2.1.1).
2. Prior to and after giving birth you can take leave should you become disabled due to the pregnancy and/or birth of your child as detailed in a medical note (9.3.8.2.1). *These kinds of leave are detailed in California’s Pregnancy Disability Leave Act (PDL) through (FEHA) and cover you for a period of up to four months total.
3. After the birth or adoption of your child, you can have your day (9.3.8.1).
4. If you are not the one giving birth, you can take up to ten (10) days of leave to care for your newborn child or the mother of your newborn child (9.3.8.2.2).
5. At any time, you can apply for a leave without pay via Category B of Article 10, and if it is granted, be able to take a reduced load of any percentage you have specified up to 100% time off. You will, of course, also receive a similarly reduced salary and reduced credit toward step increases. Your health insurance will be covered UNLESS you go below 50% of a full-time load required for full coverage (see Article 3), in which case you

will have to pay a portion of your health coverage yourself if you get health coverage through LRCCD.

Your contract also refers you to additional state and federal laws for time off (9.3.8.2.4). Here are those options, which you can easily research in much greater detail online. *There are special rules for military families I am not detailing below:

1. FMLA: If you are eligible for it, the federal Family Medical Leave Act allows you to take up to 12 weeks off for maternity-related reasons. During that time period, your job is protected, unless a layoff would have resulted in your job being gone anyway, and your health benefits are covered. Be aware, however, that FMLA does not require companies to pay you a salary and/or give you credit toward step increases during the period you are off. Additionally, FMLA includes disability leave, in other words, gets eaten up concurrently, before or after birth; you can’t use this in addition to that.
2. CFRA: If you are eligible for it, the California Family Rights Act offers similar leave options to those included in FMLA—12 weeks off—just for Californians. What is nice about this type of leave is that it excludes disability; you can take this leave in addition to PDL and it does not have to begin at the time of birth. However, also like FMLA, it does not guarantee any income replacement; it just holds your job and maintains your health coverage. Therefore, the same restrictions in terms of step increases and utilizing sick leave apply.

Now, let’s talk money. In terms of income replacement, currently, your only options are within the contract. If you have banked Type C leave, you’ve worked and deferred that income, so you can use it to supplement the above leaves. If you are disabled for pregnancy-related concerns with a medical note, you may use sick leave you’ve accrued, an advance on sick leave you could earn by the end of the academic year and possibly “five month law” benefits (9.3.5). If you are not pregnant, but need to use sick leave for absences related to pregnancy, detailed in (9.3.8.2.1) that are not covered by a medical note, you may use up to ten accrued sick days (9.3.8.2.2). The one day is the bonus. In other words, you truly do just get one day of pay for having a child as you do for jury duty. It’s something to think about.

[continued on next page]

[from previous page]

In the future, hopefully, we will find a way to improve upon the one day. For example, one option would be to buy into state disability insurance (SDI) for adjunct and/or fulltime faculty if members voted to do so as a unit. That would open up additional options for income replacement through the state in terms of maternity/family leave detailed in EDD's Paid Family Leave (PFL) program. This would save you some of that accrued sick leave for later as well as allow you to spread the leave out over time and cover a wider range of concerns. Perhaps someday, we will even negotiate something better within the contract.

As a final note to pregnant moms out there, you are not done thinking. You should also consider whether you plan to breastfeed and how you are going to manage your schedule and do so effectively. If you are planning to pump at the job, consider where you

will do this and how you will safely keep and transport the milk. There are more laws protecting your rights surrounding these issues. Research Obama's Health Reform Sec. 4207: "Reasonable Break Time for Nursing Mothers."

As a final note to all prospective parents, don't think you can just jump back in and operate as you had prior to birth. The majority can't. It is hard to balance working and caring for a young child. It is often neither wonderful nor fun. As a mom of a beautiful three-year-old girl, I can say that it is, however, very worth it.

Please let me know if you have any questions/comments or would like additional information or resources about the above. ■