

Parental Leave Guidelines

Background

During the 2023-2026 Collective Bargaining Agreement negotiations with LRCCD, the Los Rios College Federation of Teachers worked to significantly improve family leaves for our bargaining unit members. Long-term work by a committed Family Leaves Group made clear that improved leaves were a priority for many Los Rios faculty. Acting on this interest, LRCFT negotiated a range of new leaves and committed significant resources from the faculty bucket.

One important new leave for full-time and part-time faculty is the right to take eight (8) weeks of paid parental leave for the arrival of a new child. Because the implementation of this new leave is a little complicated, we have provided a guide so that all faculty members who wish to take the parental leave to bond with a newly arrived child will know what to expect.

Key Contract Provisions of Parental Leave

Parental Leave provisions are laid out in Section 9.4.2 of the new CBA, starting on page 131.

Key provisions include:

- All faculty may take eight (8) consecutive calendar weeks of paid Parental Leave, not deducted from any other leave category, within one (1) year of the date of birth, adoption or legal guardianship placement of the child.
- This leave may only be used once per fiscal year.
- Up to twelve (12) weeks of accrued Sick Leave may also be used for the purpose of bonding with the newly arrived child.
- If Sick Leave is exhausted, employees may take advantage of the 50 Percent Law to receive half of their regular salary for the rest of the 12-week period. This leave shall run concurrently with leave provided under the California Family Rights Act (Ed. Code §877801.1).
- Separately, Sick Leave may also be used for absences necessitated by pregnancy, miscarriage, childbirth and recovery therefrom.
- Type C (banked overload) Leave may be used by full-time faculty to supplement parental leave (Section 11.7.2).

Implementation of Parental Leave - Explanations

- *Within one (1) year* means that the leave must be **completed**, not merely **commenced**, within one year of the child's arrival. Effectively, this means that to take advantage of

the full eight weeks of Parental Leave, you need to commence the leave within 44 weeks after the birth, adoption, or placement.

- Part-time or adjunct faculty members who have been previously employed by LRCCD and are considered employees of the District, but whose child arrives during a semester in which they do *not* have an assignment, may still use Parental Leave, assuming they receive an assignment within the required time period after the arrival of the new child.
- New faculty, part-time or full-time, whose child's arrival occurred **before** their first employment with the District, even if it was less than a year before their hire date, may not use the Parental Leave provisions.

Notification to the District

The CBA does not contain any specific requirements regarding notification to the District of the intention to take Parental Leave. The District will implement measures for notification, including forms and procedures.

In the meantime, out of consideration for faculty, staff, and the administration, please try to provide as much notice as possible to your Dean and faculty colleagues of your intention to take Parental Leave. Not only does your leave need to be processed, with all the attendant payroll and human resources paperwork, but your department will need to find replacement(s) for you while you are on leave.

We understand that, in some cases, adoptions and other child placements can happen with little warning. For most faculty members, however, the arrival of a new child should not be a sudden or unexpected event, and everyone's life will be made easier if you provide adequate notice.

Special Provisions – Parental Leave for Faculty whose Children Arrived before the new CBA (July 1, 2023)

In general, a basic principle of contract interpretation is that the provisions of a collective bargaining agreement are in effect for the specific duration of the contract. For the new LRCFT CBA, this means that all provisions went into effect on July 1, and anything occurring before that date was covered by the previous CBA.

The Parental Leave provision, however, is unusual in that it contains a backward-looking condition. That is, the leave can be taken any time within a year of the birth, adoption, or placement of the child. This means that the CBA is ambiguous regarding the status of faculty whose children arrived **before** July 1, 2023, but who are now still within the one-year window for taking Parental Leave.

To deal with this ambiguity, LRCFT and LRCCD have agreed that faculty members whose children arrived during the 2023-2023 academic year **may** be able to use the new Parental Leave measures, subject to the following conditions and limitations:

1. The leave **must be** completed within one year of the birth, adoption, or placement of the child. This will effectively limit the leave to parents whose children arrived **after** late September, 2022.
2. If you qualify under Provision #1, above, and have not previously taken any leave for the arrival of your child, you will be able to make full use of the new Parental Leave, provided you complete the leave within the one-year window.
3. If you qualify under Provision #1, above, and you previously used any or all of the 5 days of parental leave provided under the 2021 *Memorandum of Understanding*, you may use the new Parental Leave, but will have the number of previously utilized leave days subtracted from the eight weeks available to you.
4. If you qualify under Provision #1, above, but previously used the 5 days of parental leave **and also** used sick leave or FMLA/California Family Rights Act provisions to take a longer absence under sections 9.8.3.2.2, 9.8.3.2.3, or 9.8.3.2.4 of the old CBA, you **may not** utilize the new parental leave provisions in the new contract.

The LRCFT Collective Bargaining Agreement language takes precedence, and this document is meant to help guide employees on leaves available.