



## **Every Child, Every Chance, Every Day**

### **Know Your Childcare Rights** – Kim Atwell, President, BHS

At our first BTA meeting earlier this year I spoke briefly about our childcare rights and the importance of understanding the law. Throughout the course of my 15 year career as a teacher in Beacon, there has been much discussion, debate, and unnecessary confusion regarding child care rights. Having a baby, adopting, or planning to start a family is a rewarding and exciting experience for most people. It can also be financially and emotionally overwhelming as well. Therefore, understanding your rights is a key element prior to starting the planning process.

#### **Sick Time Only-**

If you are utilizing only sick time to cover the time your doctor finds you unable to work (typically six calendar weeks from the birth of the baby for normal delivery and eight calendar weeks from the birth of the baby for c- section); you will need to do the following:

- Notify the district of your intentions. The BTA has provided a template letter which can be found on the BTA website and submit to Jean Lain at the district office. Please copy the Superintendent, your building principal and the BTA Vice President. Also keep a copy for your records.
- Once you have given birth, notify district office (Jean Lain) within 3-5 days if possible. Make sure that your notification to district office and your building principal is in writing and dated.
- Notify Sub service for sick time utilization. (AESOP)
- Remember, you can use your accumulated unused sick time for any time during your pregnancy that your doctor finds you unable to work. If your doctor requires you to leave work before delivery, you simply provide a note from your doctor to cover the time up to delivery and then provide an additional note for the 6 or 8 weeks after the delivery. The 6 or 8 week time period follows the actual delivery date, not the estimated date of delivery.

If you have enough sick time to cover the days you will miss school, you should continue to receive your regular paycheck/benefits while you are out. There will be no BOE approval of leave because you are simply using sick time. You will be expected to leave sub plans and are responsible for grades and progress reports. You simply return to work at the end of the 6 (or 8) week period.

- Calendar weeks are counted from the baby's birth date. You may only use sick time for the days that fall into that range. For example, a child delivered normally on June 10th would entitle the mother to use sick time only until the end of that school year. The 6 or 8 weeks would end during the summer months. The time does not carry into the following September.

#### **Child Care Leave-**

Child care leave begins when sick time ends. You must give 60 days written notice of the intended length and commencement date of your leave.

- You can utilize the child rearing letter provided on the BTA website.
- Notification must be submitted to Jean Lain and copied to the Superintendent and BTA Vice President.
- You may take up to 2 years of child care leave. If you do not initially request 2 years of child care leave, you may extend your child care leave but must do so in writing 60 days prior to the end of the semester for which the leave was originally granted.
- Teachers can only return from child rearing leave at the beginning of the semester.
- If a teacher starts leave after the start of a semester, the period from the date leave commences to the end of that semester counts as one semester.
- Teachers must notify the district (Jean Lain) in writing to confirm their return at least 60 days to the end of the semester prior to their return.
- Child care leave is unpaid time off while a position is held.
- When returning from leave, you are entitled to a position, not necessarily the same position.
- Time spent on leave shall not be counted for seniority, although you will retain credit for the time served prior to taking leave.
- You will not accumulate sick days during the leave period. However, you will retain credit for sick leave accumulated prior to taking the leave.
- You will not move forward on the salary schedule during the time spent on leave.
- ***IMPORTANT----- Although our contract states that the district does not pay the health insurance premium while on Child care leave...Under FMLA (Family and Medical Leave Act) you are entitled to 12 calendar weeks of continuous medical coverage during a period of leave. (The Law supersedes the contract). Once the 12 weeks is over you will need to pay for your insurance if you wish to maintain coverage, (COBRA). If you take the buyout, you will receive a prorated portion of the buyout according to your FMLA coverage. Contact Margaret Anne Cavaluzzi with any questions regarding Health insurance coverage.***

Remember, these are your rights, regardless of who you know, how long you have been in the district, or who likes or dislikes you. I hope this clarifies any and all of your questions regarding child care. I will continue to keep you updated. Please feel free to contact any of your BTA officers should you have questions or need assistance. We will include this article on our BTA website under Child care rights.