# Office of Employee Relations

## Parental Leave, Baby Bonding, Lactation Time Rights

## Q & A

1. Q: What are my leave rights under my Collective Bargaining Agreement?

   A: In addition to Federal and State parental leave provisions, each Collective Bargaining Agreement addresses specific employee leave rights.

   Local 1021: Article 13 Leaves; Local 39: Article 9 Leaves; PFT: Article 26 Leaves & Side Letter on Changes to Article 26: Leaves

2. Q: Can I elect to use FMLA (Federal and Medical Leave Act) or CFRA (California Family Rights Act) for maternity/paternity/baby bonding leave?

   A: Yes. FMLA and CFRA leave entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12 month period for specified family and medical reasons.

3. Q: Are all employees eligible for FMLA and CFRA?

   A: Employees are eligible for FMLA and CFRA leave if:

   1. They have been employed for at least 12 months
      a. The 12 months need not be consecutive
      b. 52 weeks will be considered as 12 months
      c. If employee is on payroll for part of a week, the entire week must be counted as a week of employment
   2. They have worked at least 1,250 hours within the 12-month period immediately preceding the leave.

4. Q: Do I have to have a qualifying event to be eligible for FMLA or CFRA?

   A: Yes.

   1. The birth of a child and to care for the newborn child within one year of birth;
   2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
   3. Foster care-leave entitlement to leave expires on the anniversary of the placement in foster care. Foster care must be in connection with a state foster care program.

4. To care for the employee's spouse, child, or parent who has a serious health condition;
5. A serious health condition that makes the employee unable to perform the essential functions of his or her job;
6. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

5. Q: Will I have medical coverage during my approved Family Care leave?

   A: Yes. During an approved Family Care Leave, PCCD will maintain an employee's group health benefits as if the employee had continued to be actively employed, up to a total of 12 weeks in a 12-month period. If an employee takes more than 12 weeks of approved Family Care Leave in a 12-month period, then the employee may elect to continue coverage at the employee's sole expense for the remainder of the Family Care Leave.

6. Q: If my spouse and I work for PCCD, are we both entitled to family leave?

   A: Yes. Both spouses are entitled to a combined total of 12 work weeks of family leave in the case of birth/adoption/foster care, and to care for a parent (but not a parent-in-law) who had a serious health condition.

7. Q: Does PCCD require employees to use accrued leave in conjunction with FMLA or CFRA

   A: Yes. PCCD requires employees to use accrued paid leave, *if available*, for the following circumstances:

   a. Birth:
      1. Mother: sick leave, applicable: vacation, floating holidays, compensatory time, and extended illness/differential leave shall be used simultaneously with FMLA and CFRA.
      2. Father: applicable: vacation, floating holidays, comp time and personal necessity shall be used simultaneously with FMLA and CFRA
   b. Adoption/foster care: vacation, floating holidays, comp time and personal necessity shall be used simultaneously with FMLA and CFRA.
   c. **PFT Members Only**: Any eligible faculty member shall be granted an <u>unpaid</u> leave of absence for family care pursuant to California State Law and Federal Law, once they have exhausted all their paid leaves in this contract. Refer to Article 26: Leaves & Side Letter on Changes to Article 26: Leaves for restrictions.

8. Q: I've returned to work, what are my rights regarding break time for lactation needs?

   A: Employers are to provide "reasonable break times" to mother's who desire to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee.

9. Q: I have questions regarding additional leave that may be available, who should I contact?

   A: MacArthur Nelson, Human Resources, Mnelson@peralta.edu, 510-466-7386, or

Chanelle Whittaker, Employee Relations, Cwhittaker@peralta.edu, 510-587-7883.

*This list is not exhaustive.  Contact Human Resources or Employee Relations to discuss your individual concerns.*