The Ins and Outs of Maternity Leave

Article 16 of the Agreement reads “Pregnancy, miscarriage, childbirth, or recovery therefrom shall be treated as a temporary disability for which sick leave may be utilized. The length of the leave of absence, including its beginning and ending dates, shall be determined by the faculty employee and her physician.”

As with any sick leave, faculty using five or more consecutive workdays for maternity leave must fill out a “Medical Certification Form,” available online from the FHDA Human Resources webpage, http://hr.fhda.edu (click on Personnel Services, Employee Info, Forms). The part of this form filled out by the attending physician indicates the date the patient should stop working and approximate date the patient can return to work. The standard time off physicians allow for maternity leave is four weeks before and six weeks (or eight weeks for a C-section) after the birth of a child.

Sick leave, subtracted at eight hrs/day, is used only for academic days. If, for example, a faculty member started a maternity leave the last week of a Fall Quarter, sick leave would not be subtracted during the recess period but start again the first day of Winter Quarter.

If a faculty member does not have enough sick leave to cover the approved maternity leave, she would go on Extended Sick Leave, Article 16.21-16.23, which is 66.7 percent of regular pay. At FHDA, Extended Sick Leave is in lieu of State Disability Insurance, a fund faculty do not pay into. If a faculty member was approved by her physician for time off beyond the 180 days of Extended Sick Leave, she would go on long-term disability. However, disability claims are subject to approval by the FHDA insurance providers.

For additional time off beyond the physician-approved maternity leave, a faculty member has three choices. She would first use the five days of Personal Leave, Article 16.1-16.7, then go on Family Medical Leave, Article 16.27, which is unpaid but with full benefits. Family Medical Leave is for twelve weeks total and runs concurrent with other leaves, i.e. its “clock” starts the first day a faculty member takes time off under any leave. For example, if a faculty member takes ten weeks of sick leave, she has two weeks remaining of Family Medical Leave. The third option is Unpaid Leave, Article 16.28-16.32. It does not include benefits; faculty on unpaid leave pay into COBRA or self-pay for medical insurance. A request for unpaid leave goes to the Board for approval.

Sick leave, which is for employees only, can't be used for health issues related to the baby. Faculty who want time off for that purpose would have the same three choices as above: Personal Leave or Family Medical Leave or Unpaid Leave. Spouses or partners who wish to take time off related to pregnancy or the birth of a child would first use the five days of their Personal Leave then Family Medical Leave or Unpaid Leave.

If you have questions about maternity leave, contact Personnel Services (Patti Conens 650.949.6220 or 650.949.6219).