

Leave of Absence – Child Birth /Adoption

Accumulated Sick Leave – General Usage

In general, employees are able to use up to six weeks of accumulated sick time (eight weeks, in the event of a Caesarean section) for postpartum recovery. The weeks must run consecutively following immediately the child's birth.

Employees who may not have the available sick time and who are a current member of the Sick Leave Bank, have the option of requesting time needed for postpartum recovery from their respective Sick Leave Bank.

Employees who may require additional time for postpartum recovery may be able to use additional sick time. Under such circumstances, employees will be required to provide a completed Form WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition (Federal Family and Medical Leave Act /Maine Family Medical Leave Law) from their health care provider.

Coordinating Sick Leave and FMLA

During leave, the use of accumulated sick time and Family Medical Leave (FMLA) run concurrently. Any combination of leave, paid or unpaid, is considered Family Medical Leave and is counted towards the 12 allowable weeks under the Federal Family and Medical Leave Act.

The law also requires that leave be taken during the first 12 months following the birth or adoption of a child. For the purpose of Family Medical Leave, placement of a foster child is treated the same as adoption.

Family Medical Leave (FMLA) – Basic Coverage and Eligibility Requirements

The Federal Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees in a one-year period for the birth or adoption of a child. Employees are eligible for FMLA Leave if they have worked for their employer for at least one year and for 1,250 hours over the previous 12 months.

In addition to 12 weeks of unpaid leave, the law also requires employers to maintain health insurance coverage under the "group health plan" for the duration of the FMLA Leave. While MSAD 11 is required, during FMLA, to maintain health insurance coverage, employees should refer to District policies regarding leave without pay concerning other District benefits.

Health Insurance coverage, in unpaid leave status, extending beyond the 12 weeks of FMLA Leave is at the employee's expense, i.e. the employee becomes responsible for 100% of the cost of the monthly health insurance premium.

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What Counts as Federal Family Medical Leave?

Schools, like other employers, may only designate leave time as FMLA if the employee would have otherwise been required to work. For example, teachers typically are not required to work during the spring, summer, or winter breaks. Should FMLA leave extend over a vacation break, the break cannot be designated as Federal Family Medical Leave.

Married Employees Who Work for the Same Employer

A rule that often applies in the school setting applies when two eligible employees are married and work for the same employer. When the reason triggering the need for leave is for the birth or placement of a child for adoption or foster care, such leave can be limited to a combined total of 12 work weeks.

Employee Responsibilities

When a leave can be foreseen or planned (as in the case of pregnancy), employees must complete the Federal Family /Medical Leave Request Form and provide to the employer at least 30 days notice.

The Federal Family / Medical Leave Request Form is available at the Superintendent's Office or is available for download from the MSAD 11's website. Employees who wish to take leave, paid or unpaid, under the Family Medical Leave are required to complete the form.

In addition, the District may also designate an employee's leave as Federal Family / Medical Leave regardless of whether the leave was requested.

In the case of birth or placement of a child, employees will also be required to provide evidence of birth, adoption, or foster care placement.

Additional Leave

Additional leave granted beyond 12 weeks in a one-year period is at the discretion of MSAD 11.