

Expecting a new addition ?

Congratulations from your union - the Canton Teachers Association !



For this most joyous event, the CTA has put together this FAQ Sheet to help you to understand the options that are available to you regarding leaves of absence and compensation. Obviously, we could not anticipate all of the questions and variables that may occur. If you still have questions after reading this, contact your CTA Building Rep.

Q - What rights do I have and from where do they come ?

A - Maternity leaves of absence come from two sources - federal law (providing for not only *maternity* leave, but also *parental* leave, and leave to care for a member of your immediate family who is seriously ill) and state law. Each has different requirements for eligibility and each provides different benefits. You must design a maternity leave that suits your situation.

Q - What are the differences ?

A - Federal Law

The federal law is the *Family and Medical Leave Act* ("FMLA"). It provides a total of up to 12 weeks in a 12 month period for the birth, adoption or foster care of a child and applies to both men and women. This leave is unpaid, except as described below for birth mothers.

To be eligible for the FMLA, you must have worked for the school district for at least 12 months (not necessarily consecutive) and have worked at least 1,250 hours during the prior 12 months. Full-time teachers who have worked a full school year are presumed to have met the hour requirement.

For birth mothers, during the period of the leave that you are disabled by your pregnancy and/or childbirth, you are entitled to use your paid sick leave just as any other sick or disabled employee. Your entitlement will depend upon your years of service and the benefits contained in Article XIV (Sick Leave) of your CTA contract. The remainder of the leave is without pay.

Please note that for any period of time for which you are disabled by your pregnancy, your sick leave applies without taking away from your right to take maternity leave under the FMLA following the birth of your child.

Except in the case of emergencies, you must give 30 days' notice to be eligible for a FMLA Leave.

State Law



The state law is the Massachusetts Maternity Leave Law ("MMLL"). It provides leave of absence of up to 8 weeks for female employees for childbirth or adoption. The full text of the MMLL can be found as Attachment #1.

You are eligible for the MMLL if you have worked full-time for the school district for three months. Whether or not you have taken leave prior to your child's arrival, you are entitled to eight additional weeks immediately following birth or adoption.

As with the FMLA, during the period of the leave that you are disabled by your pregnancy and childbirth, you are entitled to use your paid sick leave just as any other sick or disabled employee. Your entitlement will depend upon your years of service and the benefits contained in Article XI V(Sick Leave) of your CTA contract. The remainder of the leave is without pay.

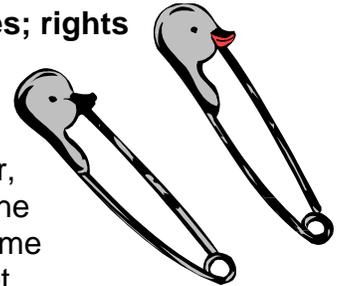
You must give a minimum of two weeks' notice to be eligible for a MMLL leave.

FMLA leave and MMLL leave are concurrent, NOT contiguous.

Attachment #1: The Massachusetts Maternity Leave Law

Chapter 149: Section 105D. Entitlement of female employees; rights and benefits.

Section 105D. A female employee who has completed the initial probationary period set by the terms of her employment or, if there is no such probationary period, has been employed by the same employer for at least three consecutive months as a full-time employee, who is absent from such employment for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of eighteen or for adopting a child under the age of twenty-three if the child is mentally or physically disabled, said period to be hereinafter called maternity leave, and who shall give at least two weeks' notice to her employer of her anticipated date of departure and intention to return, shall be restored to her previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave. Said maternity leave may be with or without pay at the discretion of the employer.



Such employer shall not be required to restore an employee on maternity leave to her previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such maternity leave; provided, however, that such employee on maternity leave shall retain any preferential consideration for another position to which she may be entitled as of the date of her leave.

Such maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other advantages or rights of her employment incident to her employment position; provided, however, that such maternity leave shall not be included, when applicable, in the computation of such benefits, rights, and advantages; and provided, further, that the employer need not provide for the cost of any benefits, plans, or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence. Nothing in this section shall be construed to affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section.

