

Parental Informational Packet
Maternity, Adoption, and Parental Leaves of Absence Procedures
(NTA Units A, B, C, and E, NESAs, and Non-Aligned)

If you are expecting or plan to adopt a child, you are allowed a maternity, adoption or parental leave of absence. Federal law (Family Medical Leave Act (FMLA)), State law (Massachusetts Parental Leave Act (MPLA)), as well as the collective bargaining agreements protect your leave rights. In addition, some contracts allow for an extended childcare leave beyond your maternity, adoption, or parental leave.

Definitions:

- **Medical leave** — time off from work due to a serious health condition
- **Maternity leave** — time off from work due to the medical disability of childbirth
- **Adoption leave** — time off from work due to an adoption of a child under the age of 18
- **Parental leave** — time off related to the birth/adoption of a child, if the employee is not eligible for maternity leave (gender neutral)
- **Childcare leave** — unpaid time off from work to care for your child after your period of maternity, adoption, or parental leave has ended
- **Massachusetts Parental Leave Act (MPLA)** guidelines allow for **8-calendar weeks of unpaid** maternity, adoption, or medical leave
- **Family Medical Leave Act (FMLA)** guidelines allow for up to **12-work weeks of unpaid** maternity, adoption, or medical leave in a rolling calendar year

While reviewing this information, please be aware that the details of each maternity, adoption and parental leave may vary due to individual circumstances. This information should help you understand your options; however, your leave cannot be finalized until the birth or adoption of your child. Once you have reviewed this information, you may contact Human Resources (HR) at 617-559-6005 if you have additional questions.

1. What type of Leave of Absence am I eligible for due to the birth or adoption of a child?

- **Maternity Leave** – Due to the medical disability from childbirth, you are eligible for up to 8 calendar weeks of paid leave from the date of birth.
- **Adoption Leave** – If you adopt a child, you are eligible for up to 8 calendar weeks of paid leave from the date the adoption papers become official. This also applies if you have a child through a surrogate mother.
- **Parental Leave** – If your spouse or partner gives birth to a child, or if you adopt a child and you are the secondary parent, you are eligible for up to 15 consecutive days of paid leave which needs to be used within one year of the birth/adoption.

2. *What is the process for applying for a Maternity, Adoption or Parental Leave of Absence?*

- You begin by completing a “Request for Leave of Absence” form (found on the Newton Public Schools website tab “Human Resources / Employee Forms”). Forms should be submitted at least one month before the leave is to begin. However, for planning purposes it is appreciated if you provide additional notice.
- Once the request is received by Human Resources, a confirmation email will be sent to you. Attached to the email will be the following documents:
 - **Health and dental insurance enrollment forms.** The birth/adoption of your child is a “qualifying event,” and you may make changes to, or enroll in, health and dental insurance within 30 days of the birth/adoption. This is also a qualifying event for flexible spending, which allows you to have pre-taxed funds withheld from your salary to pay for medical and childcare costs. Contact Human Resources within the 30-day period, if you wish to change or enroll in these benefits.

For maternity leaves:

- **FMLA “Certification of Health Care Provider –WH-380E” form.** Your medical provider must complete this form and return it to Human Resources;
- **FMLA “Notice of Eligibility – WH-381” form.** This form is for informational purposes only and will notify you of your eligibility for FMLA.
- **“MCAD Guidance - Pregnant Workers Fairness Act” document.** This document is for informational purposes only. This information is also located at the end of this document.

3. *What should I do once my child is born or adopted?*

- **Maternity Leave** – Once your child is born, inform Human Resources as soon as possible of the date of birth and confirm your return to work date. Your maternity leave begins on the date of birth of your child. HR will use the information you provide to finalize your maternity leave, which includes: calculating the paid and unpaid portions of your leave, recording your attendance for your leave using your personal illness days for any paid portion of your leave, and making any necessary changes to your health and/or dental insurance (if applicable). If necessary and applicable, you may apply to the sick leave bank committee for additional days needed to cover your paid portion of your maternity leave. The Payroll Office will be notified to make any adjustments to your pay, if there is unpaid time.
- **Adoption Leave** – Once you have custody of your child, inform Human Resources as soon as possible of the date of adoption and confirm your return to work date. HR will use the information you provide to finalize your adoption leave, which includes:

calculating the paid and unpaid portions of your leave, recording your attendance for your leave using your personal illness days for any paid portion of your leave, and making any necessary changes to your health and/or dental insurance (if applicable). The Payroll Office will be notified to make any adjustments to your pay, if there is unpaid time.

Please be aware that the circumstances of adoption or surrogate birth vary greatly from state to state and country to country. ***Therefore, it is imperative that you work closely with the Human Resources Office as you plan your adoption leave.***

- **Parental Leave** – Once your child is born or adopted (if you are the secondary parent), you need to notify Human Resources and your supervisor. You will need to inform them of the exact dates of your parental leave, including any unpaid time. If you plan to enroll your child in your health and/or dental insurance, you must do so within 30 days of the birth/adoption of your child.

4. How much of my Maternity, Adoption or Parental Leave can be paid?

- **Maternity and Adoption Leave** – you are paid for ***eight calendar weeks from the date of birth of your child or the date of adoption.*** These 8-weeks are considered your MPLA leave and run concurrent with the 12-weeks of FMLA, if eligible.

Units A, B & C

- During the eight calendar weeks, you are only paid for days that you would have worked if you were not on a leave. According to the collective bargaining agreements, your salary is based on 185 days of work. Therefore, you are paid for those actual days you would have worked while school was in session. Excluded from these 185 days are holidays, weekends, school vacations, and snow days.
 - For example, if your child is born or adopted a week before February vacation, the vacation week counts towards your eight calendar weeks of paid maternity/adoption leave, but you are not paid for the five days of the February vacation week because school is not in session (see sample calendars).
- You are paid for this time using your own accumulated personal illness days. If you do not have enough personal illness days to cover your leave and if you have a medical disability due to the birth of your child, you may apply for additional days from the Sick Leave Bank using the “Sick Bank Application Form” on the Newton Public Schools website “[Human Resources / Employee Forms.](#)”

Unit E, NESAs and Non-aligned

- Based on the collective bargaining agreements and individual contracts, you are paid for holidays and school vacations; therefore, you will be paid for the full eight calendar weeks from the date of birth.

- You are paid for this time using your own accumulated personal illness days. **For Unit E and NESAs**, if you do not have enough personal illness days to cover your leave and if you have a medical disability due to the birth of your child, you may apply for additional days from the applicable Sick Leave Bank using the appropriate “Sick Bank Application Form” on the Newton Public Schools website “Human Resources / Employee Forms.” For those who have vacation days you may be eligible to use those days as well.
- Some of the information above may not apply to 10-month Unit E or 10-month NESAs members. Please contact Human Resources to discuss the specific circumstances of your leave.
- **Parental Leave** – You may take up to 15 consecutive days of *paid parental leave*. To receive pay for these days, you use 11 of your personal illness days and up to four “Other/Family” days, if you have not already used them. If you do not have either the 11 personal illness and/or the 4 “other/family” days, any time taken beyond your available days will be unpaid. You must take these days consecutively and you need to take them within one year of the birth/adoption of your child. Parental Leave runs concurrent with FMLA. You may request additional unpaid time under FMLA.

5. *How much leave can I take under FMLA?*

- If you are eligible for FMLA, you may take up to twelve working weeks (60 working days) of unpaid FMLA leave from the start of your leave. Any additional leave taken beyond your paid leave (refer to question #4), will be unpaid. FMLA leave runs concurrently with MPLA leave.
 - FMLA guidelines only count actual work days against the twelve working weeks (60 working days) you are allowed to be on leave.
 - For example for **Units A, B, and C**, if you have your child a week before February vacation, the vacation week does not count towards your total of twelve working weeks (60 working days) of FMLA leave, even though it counts towards your eight calendar weeks of paid time. (See sample calendars).
 - For example for **Unit E, NESAs and Non-aligned**, your FMLA time would be 12 weeks from the start of your leave since you are paid for holidays and school vacation weeks. (See sample calendars). This information may not apply to 10-month Unit E or 10-month NESAs members. Please contact Human Resources to discuss the specific circumstances of your leave.
 - **Maternity Only:** Please note that any medical leave days taken prior to the birth of your child will also count towards your twelve working weeks (60 working days) of FMLA. For example, if you have medical documentation that states that you are unable to perform the essential functions of your position prior to the birth of your child, these days of medical leave would reduce the amount of time you can take under FMLA once your child is born.

- To be FMLA eligible you must have been employed by NPS for a minimum of 12-months and worked 1,250 hours within the 12-months prior to the start of your leave. However, if you are not FMLA eligible, the methods used to calculate leave time will be the same as for employees who are FMLA eligible.
- During FMLA leave, the paid portion of your leave can be spread out and NPS will continue contribute its share of your health and/or dental insurance premiums. (Refer to question #7 for additional information regarding your pay adjustments.)

6. *How much additional leave can I take beyond the paid and unpaid FMLA leave?*

- In addition to the paid leave (refer to question #4) and the unpaid FMLA leave (refer to question #5), you may be eligible for an extended unpaid childcare leave.

Units A, B, C & E

- Per the collective bargaining agreements, if you begin your leave after the start of a school year, you are eligible to remain on leave until the end of that school year.
- You are also eligible for a leave of absence without pay for up to one additional year for the purpose of childcare.
 - The application deadline to request a continued childcare leave for the next school year is March 15th. In addition, the deadline for notifying the Newton Public Schools that you intend to return from your leave the following school year is March 15th.
- For members of **Units A, B, and E**, if you begin your leave on or after April 15th, you are eligible to take the remainder of that school year off plus the next school year.
- Any requests for unpaid leave are subject to approval by the Executive Director of Human Resources.

NESA and Non-aligned

- Any requests for a continued unpaid childcare leave are reviewed on an individual basis and are subject to approval by your supervisor and the Executive Director of Human Resources.

7. *Will my paychecks be adjusted during and/or after my leave of absence?*

- Your paychecks will only be adjusted if you take any portion of your leave unpaid.
- If you plan on taking any portion of your leave unpaid, there are many complexities that affect the amount of your paycheck both during and after your leave, but the change in pay will ultimately be based on the number of unpaid days taken during your leave. Your adjusted pay may be spread out during your FMLA leave, if eligible.

- In order to reduce the impact on your pay, it is essential that you contact Human Resources as soon as possible after the birth or adoption of your child. Please be aware, that your paychecks will be adjusted both during your leave and when you return from leave, if you return within the same school year.

8. *What if a large portion of my maternity/adoption leave is during the summer (Units A, B, C, and E only)?*

- If the paid portion of your leave is less than twenty working days, you are eligible to receive a stipend that will pay you up to twenty days of pay at your daily rate at the time of the birth or adoption of your child. This will be disbursed to you in October.
 - Regardless of when you return to work, you are still eligible for this stipend.
 - There is a finite amount budgeted to fund these stipends. If there are more requests than there are funds, the amount of each stipend will be pro-rated.
 - You must apply for this stipend using the “Additional Maternity Leave Payment Form,” found on the Newton Public Schools website [“Human Resources/Employee Forms”](#)

9. *What happens if my spouse and I both work for the Newton Public Schools?*

- If both parents work for the Newton Public Schools, one may apply for a maternity or adoption leave and one for a parental leave.

10. *Will I earn a step increase or a longevity increment during my leave (Units A, B, C, & E only)?*

- Whether you receive a step increase and a longevity increment depends on ***how many unpaid days of leave you take.***
 - If you take 45 days or fewer of unpaid leave, you will earn your normal step increase and a complete year of service towards a longevity increment.
 - If you take more than 45 days, but 110 or fewer days of unpaid leave, you will earn credit for half a step and half a year of service towards a longevity increment.
 - If you take more than 110 days of unpaid leave, you will not earn a step or credit towards a longevity increment.

11. *I don’t have Professional Teacher Status (PTS), can I still take maternity or adoption leave (Unit A only)?*

- You may request a maternity or adoption leave whether or not you have PTS; ***however, your leave could have an impact on when you are eligible to receive PTS.***

- To receive PTS, you must work for ***three full consecutive school years, without a break in service, under a valid Massachusetts Educator License***. If you have a break in service, your PTS status will return to year one.
 - If you are eligible for an FMLA leave, the FMLA period of your maternity, adoption, and medical leave does not count as a break in service. Therefore, if you take 12 working weeks (60 working days) or less of maternity, adoption and medical leave, your PTS status remains the same as before you went on leave. However, if you take more than the 12 weeks (60 working days) this is considered a break in service.
 - If you ***are not*** eligible for FMLA leave, you can only take up to the eight calendar weeks of paid maternity, adoption and medical leave to continue progressing towards PTS without a break in service. However, if you take more than the eight weeks this is considered a break in service.

12. Can I continue my health and/or dental insurance while I am on leave?

- If you are enrolled in health and/or dental insurance through the Newton Public Schools, you can continue your insurance coverage during your leave. However, the percentage of the premium that you are required to pay may change depending upon the length of your leave.
 - During the ***12 working weeks (60 working days)*** of your FMLA maternity, adoption, and medical leave or the 8 weeks of paid leave for those who are not FMLA eligible, you and the City of Newton will continue to contribute the same portion of the premiums for your health and/or dental insurance as they were before your leave.
 - Should you extend your leave beyond either the 12 weeks of FMLA or the 8 weeks of paid leave for those who are not FMLA eligible, you may be responsible for paying out of pocket the full cost of the premiums. Human Resources will assist you in determining the cost of your premiums during your leave and scheduling your payments.

13. Can I return from a leave of absence during the same school year?

- In most cases, if you would like to return to work immediately after your maternity or adoption leave ends, you can do so.
- If you request unpaid childcare leave in addition to your maternity or adoption leave, but would also like to return during the current school year, you must request this through Human Resources. Most often HR honors these requests, but they are not obligated to do so.

14. *Will I be able to return to the same position I had before I went out on leave?*

- If you return from your leave within the same school year, you will most likely return to the same or a similar position.
- If your leave of absence extends beyond the current school year, the district will make “reasonable effort” to assign you to the same building and position, but the contract does not guarantee you a particular position.
- Priority in assignment is given to educators with PTS or Unit C members with five years or more of service.

15. *I am planning on returning to work while I am still breast-feeding. What are my options?*

- By law, the Newton Public Schools must provide nursing mothers private spaces to express milk during the first year after their child’s birth. Each school building must have a location that can be utilized for this purpose. Please communicate your needs to your supervisor. If there are not adequate facilities, please speak with Human Resources. For additional information, please refer to the Pregnant Workers Fairness Act.
- You are also entitled to reasonable break time, with coverage if necessary, for the purpose of expressing milk.

16. *Will I earn credit towards my retirement while I am on leave?*

- During the period of your leave that you are paid, you will receive credit. However, depending upon how much of your leave is unpaid, you may not receive credit for a full year. The Massachusetts Teachers Retirement System (MTRS) and the City of Newton Retirement Board can provide further information on the effect of unpaid leave on your creditable service.

Maternity / Adoption Sample Calendar

Units A, B & C

Maternity Only - Please note that the FMLA calculations in this calendar assume that you begin your maternity leave on the date of birth of your child. If you take a medical leave of absence prior to the birth of your child, your FMLA leave starts the first day you are absent from work, which then reduces the number of FMLA days you would be eligible for after the birth of your child.

Massachusetts Parental Leave Act (MPLA)
Family Medical Leave Act (FMLA)
School Vacation or Holidays

FEBRUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12 Birth/Adoption MPLA-Week 1 FMLA - Day 1	13 Day 2	14 Day 3	15 Day 4	16 Day 5	17
18	19	20	21 Vacation Week	22	23	24
	Week 2					
25	26 Week 3 Day 6	27 Day 7	28 Day 8			

February 12th - Birth or Adoption of Child - First day of MPLA and FMLA Leave of Absence

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
				Week 3		
				Day 9	Day 10	
4	5	6	7	8	9	10
	Week 4					
	Day 11	Day 12	Day 13	Day 14	Day 15	
11	12	13	14	15	16	17
	Week 5					
	Day 16	Day 17	Day 18	Day 19	Day 20	
18	19	20	21	22	23	24
	Week 6					
	Day 21	Day 22	Day 23	Day 24	Day 25	
25	26	27	28	29	30	31
					Good Friday	
	Week 7					
	Day 26	Day 27	Day 28	Day 29		

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	5	4	5	6	7
	Week 8					
	Day 30	Day 31	Day 32	Day 33	Day 34	
8	9	10	11	12	13	14
End of MPLA						
	Day 35	Day 36	Day 37	Day 38	Day 39	
15	16	17	18	19	20	21
			Vacation Week			
22	23	24	25	26	27	28
	Day 40	Day 41	Day 42	Day 43	Day 44	
29	30					
	Day 45					

April 6th - Last day of paid maternity/adoption leave

April 9th - First day of unpaid childcare leave

May						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		Day 46	Day 47	Day 48	Day 49	
6	7	8	9	10	11	12
	Day 50	Day 51	Day 52	Day 53	Day 54	
13	14	15	16	17	18	19
	Day 55	Day 56	Day 57	Day 58	Day 59	
20	21	22	23	24	25	26
	Day 60					
27	28	29	30	31		
	Memorial Day					

May 21st - Last day of FMLA Leave

May 22nd - First day of non-FMLA leave. If non-PTS you must return on or before this date in order to avoid a break in service.

May 31st - Last day your paychecks can be spread out. If you continue on an unpaid leave beyond this date, this is your final paycheck until you return to work. This is also the last date that NPS will contribute towards your Health and/or Dental Insurance premiums until you return to work.

Maternity / Adoption Sample Calendar

Unit E, NESa, Non-Aligned

FEBRUARY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12 Birth/Adoption MPLA-Week 1 FMLA - Day 1	13	14	15	16	17
		Day 2	Day 3	Day 4	Day 5	
18	19	20	21	22	23	24
			Vacation Week			
	Week 2					
	Day 6	Day 7	Day 8	Day 9	Day 10	
25	26	27	28			
	Week 3					
	Day 11	Day 12	Day 13			

February 12th - Birth or Adoption of Child - First day of MPLA and FMLA Leave of Absence

March

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
				Week 3		
				Day 14	Day 15	
4	5	6	7	8	9	10
	Week 4					
	Day 16	Day 17	Day 18	Day 19	Day 20	
11	12	13	14	15	16	17
	Week 5					
	Day 21	Day 22	Day 23	Day 24	Day 25	
18	19	20	21	22	23	24
	Week 6					
	Day 26	Day 27	Day 28	Day 29	Day 30	
25	26	27	28	29	30	31
					Good Friday	
	Week 7					
	Day 31	Day 32	Day 33	Day 34	Day 35	

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	5	4	5	6	7
	Week 8					
	Day 36	Day 37	Day 38	Day 39	Day 40	
8	9	10	11	12	13	14
End of MPLA						
	Day 41	Day 42	Day 43	Day 44	Day 45	
15	16	17	18	19	20	21
			Vacation Week			
	Day 46	Day 47	Day 48	Day 49	Day 50	
22	23	24	25	26	27	28
	Day 51	Day 52	Day 53	Day 54	Day 55	
29	30					
	Day 56					

April 6th - Last day of paid maternity/adoption leave

April 9th - First day of unpaid childcare leave

MAY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		Day 57	Day 58	Day 59	Day 60	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28 Memorial Day	29	30	31		

May 4th - Last day of FMLA Leave

May 7th - First day of non-FMLA leave.

May 15th - Last day your paychecks can be spread out. If you continue on an unpaid leave beyond this date, this is your final paycheck until you return to work. This is also the last date that NPS will contribute towards your Health and/or Dental Insurance premiums until you return to work.

MCAD Guidance
PREGNANT WORKERS FAIRNESS ACT
Issued 1/23/2018

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

Boston Headquarters: One Ashburton Place, Room 601, Boston, MA 02108 | (617) 994-6000

Springfield: 436 Dwight Street, Room 220, Springfield, MA 01103 | (413) 739-2145

Worcester: 484 Main Street, Room 320, Worcester, MA 01608 | (508) 453-9630

New Bedford: 128 Union Street, Suite 206 New Bedford, MA 02740 | (774) 510-5801

www.mass.gov/mcad/