

Maternity

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA) for Restoration of Health
Eligibility	Generally speaking, you'll have greater benefits with a leave of absence for restoration of health. See child care chart for FMLA eligibility.	All appointed pedagogues. Commences any time during pregnancy and extends through 6 weeks after birth of child (8 weeks with caesarean if approved by DOE Medical Bureau).
Health Benefits	Up to 12 weeks	4 months SLOAC. You must exhaust CAR prior to taking a leave for restoration of health. When your baby is born file ERB form and Welfare Fund Change of Status Form with birth certificate to cover your child.
Disability Benefits (Welfare Fund)	Maximum 28 weeks (maternity - 6 weeks caesarian - 8 weeks)	Eligibility begins following 28 days off payroll. Grace period can serve as waiting period for regulars. Benefit is paid through 6 weeks (8 weeks for C-section) after birth of child. CAR must be exhausted
Forms	Dept. of Education: FMLA Welfare Fund: DBL-1	Dept. of Education: OP 160 (Leave), OP 198 (CAR/Grace), Medical documentation (OP 407), EB 1054 (Secretary files) Welfare Fund: DBL-1
Notes	FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months.	

Child Care (Following birth, adoption or foster care)

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences (need not be consecutive). Can only be taken within 1 year of birth or placement of the child.	All appointed pedagogues.
Health Benefits	Up to 12 weeks. Maternity leave expires 6 weeks after birth.	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA
Forms	<p>Dept. of Education: FMLA, Proof of birth, adoption, or foster care, EB 1054 (Secretary files)</p> <p>Welfare Fund: NA</p>	<p>Dept. of Education: OP 160 (Leave) with copy of birth certificate, COBRA</p> <p>Welfare Fund: NA</p>
Notes	FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for child care.	

Care of Sick Family Members

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences.	All appointed pedagogues. Up to a year for care of sick family member. Contract says can apply for an extension of one year.
Health Benefits	Up to 12 weeks	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA
Forms	Dept. of Education: FMLA, Medical Documentation, EB 1054 (Secretary files)	Dept. of Education: OP 160 (Leave), COBRA, Medical documentation
Notes	Welfare Fund: NA FMLA leave to care for an ill family member may be taken intermittently. FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for this purpose.	Welfare Fund: NA CAR cannot be used for this purpose.



Teachers

Not For Women Only, Pedagogues edition

Nov 14, 2003 2:42 PM

Dear Colleague:

Congratulations!

The arrival of your new child will mean many great joys and also many new responsibilities. In this booklet, we have outlined school-related rights for both new mothers and new fathers. I know that you will find this material helpful.

Once again, congratulations.

Sincerely,
Randi Weingarten, *President*

There's great news in my school! I'm going to have a baby and my colleague is going to adopt one. What are our rights to take a leave?

Every UFT member — male and female — has some access to time off to be with a newborn or young child, but there are differences depending on whether you are a regular substitute (including certified provisional teachers and uncertified teachers with a modified temporary license) or a regularly appointed pedagogue.

Regular substitute teachers are eligible for leaves only under the federal Family Medical Leave Act (FMLA). They also can use the days in their cumulative absence reserve (CAR).

Information for Appointees

Overview

I'm a regularly appointed pedagogue. Can you give me an overview of my benefits?

You have a wide range of options and benefits provided by contract, Department of Education (DOE) regulation, federal law and the UFT Welfare Fund, including:

A leave of absence without pay for restoration of health at any time during the pregnancy.

Remaining on payroll by using the days in your cumulative absence reserve (CAR) — if you opt to use them.

Borrowing up to 20 sick days against those you will earn in the future after you have exhausted your CAR. You

must use any borrowed sick days prior to the grace period (see next item).

A 30-day grace period after you have exhausted your CAR and prior to your maternity leave (actually called a leave of absence without pay for restoration of health). This allows you to remain on the payroll. This leave can begin at any time during the pregnancy but cannot extend beyond six weeks after the baby's birth (eight weeks after a caesarean section if approved by the DOE's Medical Bureau). During the grace period you receive prorated pay in lieu of your regular salary. The prorated payment is equivalent to pay for weekends and holidays.

Child care leave for natural or adoptive parents of either sex of up to the September following the child's fourth birthday. (If both you and your spouse or domestic partner are Department of Education employees, only one of you may be on leave at a time.)

Special Leave of Absence Coverage (SLOAC), which continues your health coverage for up to four months beyond the grace period when you're on a leave of absence without pay for restoration of health, such as for temporary disability due to maternity. This leave must begin before the child is six weeks old.

An unpaid FMLA leave of up to 12 weeks to care for a child after birth, adoption, the start of foster care or other reasons under the federal Family and Medical Leave Act. A leave for care of a newborn child or a child who has been adopted or received into foster care must be taken within one year of the birth or placement of the child.

COBRA, a federal requirement that allows you and your family to continue health and UFT Welfare Fund benefits if your coverage terminates for any reason other than gross misconduct. You become eligible for COBRA the first day after **SLOAC** or **FMLA** runs out.

Disability benefits from the UFT Welfare Fund of \$275 per week for up to six weeks following delivery (eight weeks for caesarean section) if you are unable to work for medical reasons and have exhausted your sick bank.

Maternity and Child Care Leaves

What's the difference between a maternity leave and a child care leave?

A woman who is pregnant or has given birth can take a leave of absence without pay for restoration of health. Many people informally call this a maternity leave.

In contrast, either parent can take a child care leave after a baby is born or adopted.

What forms do I need to apply for a leave of absence or for a child care leave?

First file Form OP 198 for your paid sick leave and your grace period prior to your leave. When your sick bank is exhausted and you have completed your grace period, file Form OP 160, Application for Leave of Absence Without Pay. Either your doctor must fill out Section II of this form or you can file a confidential medical report, Form OP 407.

Can I file for a leave of absence without pay for restoration of health and child care leave simultaneously?

Yes, on form OP 160. (This will explain your intent to go on leave.)

Do I have to take a leave of absence if I'm pregnant?

No. The union fought this battle for many years. Now you may work as long as your doctor feels you're fit.

If I apply for a leave of absence, must I exhaust my sick days prior to the beginning of this leave?

No, although you will be paid for any sick days you choose to use. However to be eligible for continued health plan coverage (**SLOAC**) and/or UFT **Welfare Fund** disability coverage, you must exhaust your sick leave (cumulative absence reserve, or CAR) *prior* to taking the leave.

When does a leave of absence for restoration of health end and a child care leave begin?

For a routine pregnancy, a child care leave begins six weeks after the baby's birth. For a caesarean section, the leave begins eight weeks after the delivery if approved by DOE's Medical Bureau.

When does a child care leave end?

Your leave can last up to the September following the baby's fourth birthday.

Can I take a child care leave if I adopt?

Yes. You are eligible for a child care leave starting on a date "reasonably related to the date the child is placed in the home or later." This leave ends at the same time as one for a birth.

NOTE: You will not be eligible for continuation of health benefits under SLOAC. However you may be eligible for continued health coverage if you apply for a child care leave under the Family and Medical Leave Act.

What if both spouses or domestic partners are DOE employees? Can both take child care leaves?

Yes, but not at the same time and only until the September following the child's fourth birthday.

Can I use my sick days during a child care leave?

No, you may use sick days only for personal illness prior to the start of a child care leave.

Can I work during a child care leave?

Full-time employment is prohibited, but you can sub on a per diem basis for no more than four days a week. To do substitute work, either notify schools in your neighborhood, telling the principals that you want to sub there, or contact the Division of Personnel at 65 Court St., Brooklyn.

Can I terminate my child care leave before it expires?

Yes. It can be terminated at your request for the opening of the September or February school term. The DOE may allow you to return earlier if a position exists in your school.

What happens if I have another child while I am on child care leave?

You can extend your child care leave each time you give birth. Here are the procedures:

- Contact your school and apply for a new child care leave. We recommend applying for one school year at a time. You can extend each child care leave to the September following the new baby's fourth birthday.
- Once you return to service, be sure to notify the DOE, the UFT Welfare Fund, the Teachers' Retirement System and any private insurers you have so that the new child is included in all coverage and is listed among

your beneficiaries.

Can I extend my child care leave if I don't have another child?

There are two reasons usually accepted for extension of a child care leave:

- Your child is not enrolled in school full time.
- Illness.

If I extend my child care leave, do I retain health coverage?

That depends on how long your child care leave is. After you exhaust the four months of coverage paid by the employer (SLOAC), you can purchase COBRA. COBRA generally lasts a maximum of 18 months and may be extended to 29 months if you are disabled. There is no health coverage available after that.

What if my leave is about to expire, I am not in a position to get an extension and I cannot return to work yet?

At this point, you would have to resign your position. Not to do so could possibly prevent your return to active service when and if you choose to do so. Please consult with your borough office before resigning. There are pension and work rights ramifications. For your sake, you cannot allow any leave to end without taking further action.

Will I return to my current school assignment at the end of the child care leave?

Generally speaking, yes. You are part of that school's organization and return to that school.

What happens to my seniority while I'm on leave?

The seniority you have accrued remains with you until you return. You do not gain any additional seniority while on child care leave.

Grace Period

What is a grace period?

If you are regularly appointed and you have exhausted your cumulative absence reserve (CAR), you are entitled to a 30-day grace period prior to the start of your leave of absence without pay for restoration of health. This grace period allows you to remain on the payroll. The leave of absence can begin at any time during the pregnancy and ends six weeks after the baby's birth (eight weeks for a caesarean section if approved by DOE's Medical Bureau).

I'm a regularly appointed pedagogue planning to go on a leave of absence without pay for restoration of health. I'd like to continue getting paid as long as possible, but I'm nearly out of sick days. Can I borrow more sick days?

You have the option of borrowing up to 20 sick days against future accumulations. Borrowed days are a debt you must repay to the DOE. Here are your repayment options:

- After you return to work, you'll again earn 10 sick days for each full year of work. If you do not use them for illness, the DOE will apply them toward repayment of any borrowed days.
- Alternatively, while working, you can instruct your school secretary to deduct a day's pay to restore a day to

your sick bank.

- If you do not return to work or carry a balance of borrowed sick days until you retire, the DOE will deduct the amount you owe from any money due you. That deduction will be made at whatever your salary is at the time you are paying it back, which could be higher than your salary at the time you borrowed the days.

What if I've totally exhausted my sick days and used up my borrowed days or don't want to borrow sick days? Do I have any alternatives to starting my leave of absence without pay for restoration of health?

Yes. You are eligible for a grace period of 30 calendar days, which can be taken at any time during the pregnancy prior to the start of your leave of absence without pay for restoration of health. However, the grace period ends if you have not completed it by the end of the sixth week after giving birth (eight weeks for caesarean section if approved by DOE's Medical Bureau).

During the grace period, you will be kept on the payroll as if you were still working; this is for all purposes (such as for seniority credit, excessing credit, salary credit, sick day credit, pro-rata vacation pay and health coverage).

You will receive partial pay for this period (the formula is easiest understood as payment for weekends and holidays during the 30-day grace period).

How do I apply for the 30-day grace period?

Complete DOE form OP 198. Check box "E other" and write "30-day grace period" in the space. **NOTE:** It is your responsibility to get medical certification from your doctor to confirm your eligibility for the leave.

How many 30-day grace periods am I eligible for?

One per school year.

If my child is born during the summer vacation (in July or August), will I be eligible for the 30-day grace period in September?

In order to be eligible for a 30-day grace period following the summer vacation, you must be in active service. That means you must have at least one day in your cumulative absence reserve following the summer vacation. A grace period is granted for personal illness, so to get it you must complete the medical certification portion of the OP 198 form in order for the request for a grace period to be approved.

Medical Benefits/SLOAC

What happens to my medical benefits during a child care leave?

Health coverage is provided only if you are on an FMLA leave.

What happens to my medical benefits during a leave of absence without pay for restoration of health?

Members who are on an approved leave of absence without pay for restoration of health are eligible for four months of Special Leave of Absence Coverage (SLOAC) benefits paid for by the DOE. If you are disabled, the UFT Welfare Fund will pay for up to eight additional months. The coverage is identical to what you had while working.

What are the rules about receiving SLOAC?

To receive SLOAC you must meet three conditions:

1. You must be enrolled in the city health insurance program and be on pay status for a full payroll period prior to leave.
2. You must exhaust all sick leave balances prior to the effective date of the child care leave.
3. The leave must be approved by the DOE's Medical Bureau.

I'm a regular substitute (including certified provisional teachers or uncertified teachers with a modified temporary license. Am I eligible for SLOAC?

Yes, but only under limited, specific circumstances and only retroactively. In order to be eligible for SLOAC retroactively, regular substitutes who are absent for reasons of personal illness must return to the same school as "regular substitutes" during the same term. You need to obtain approval by the Medical Bureau for your absence. Submit Form EB1054 to the Bureau of Health and Welfare Services in order to process SLOAC for this period of absence. Be sure to include the dates of absence. Please note that you may pay for health coverage through COBRA during your absence. If you return during the same term, SLOAC will be approved retroactively and you may request a refund from the carrier for premiums paid for COBRA.

How do I apply for SLOAC?

On Form EB 1054. Ask your school payroll secretary to submit the form with the words "SLOAC — leave of absence without pay for restoration of health" written on it.

I have enrolled in the GHI/CBP health plan. In general terms, what are my Blue Cross hospital maternity benefits?

Women are eligible for regular hospital benefits for all pregnancy-related conditions. There is a \$200 hospital deductible on all hospital admissions, including maternity. You should contact the New York City Healthline (800/521-9574) as soon as you learn you are expecting.

Will Blue Cross cover my newborn child for full hospital benefits?

Yes. Please remember to add your new dependent by filling out an ERB form within 31 days of the date of birth as well as the UFT Welfare Fund Change of Status form. A copy of the birth certificate must accompany these forms.

What are my maternity care benefits in the GHI/CBP health plan?

You are covered for childbirth and for conditions related to pregnancy.

Maternity care may be rendered by a doctor or certified nurse-midwife. The nurse-midwife must be authorized to perform the service under the laws of the state where the services are rendered.

Benefits are available for maternity immediately upon enrollment. There is no pre-existing condition clause or waiting period. If you so desire, GHI can pay its obstetric allowance at the end of each trimester (15 percent, 25 percent and 60 percent respectively). Please note that when using a non-participating provider you are required to meet the deductible.

You should consider using a participating GHI doctor and anesthesiologist. Your savings will be considerable. (For more details check the *New York City Summary Program Description* and GHI's and Empire Blue Cross' booklet, *For City of New York Employees and Retirees*.)

I have the GHI/CBP optional rider. Are my benefits increased?

Yes, the enhanced reimbursement schedule portion of the optional rider significantly increases the maternity allowance if you are using a non-participating GHI obstetrician.

I'm enrolled in a health-maintenance organization (HMO). What are my maternity benefits?

New York City currently offers these HMO plans: Aetna, CIGNA Healthcare HMO, Empire EPO/HMO, GHI-HMO, Health Net, HIP and Vytra.

Under these plans, you are covered fully (some plans require small office co-payments) for all visits to your primary or medical group physicians. This includes pediatricians and specialists and all obstetric services both in and out of the hospital. All HMOs fully cover well-baby and well-child care and immunizations for infants and children. Hospital benefits are unlimited for both maternity and newborn nursery care.

NOTE: All services *must* be performed or authorized by your primary or medical group physician. Unauthorized visits and use of non-network physicians and hospitals are *not* covered.

I belong to a POS (point of service) plan. What are my maternity benefits?

The POS plans currently offered by the city are Aetna Quality Point of Service and HIP Prime POS. These POS plans offer an HMO base with in-network maternity benefits exactly as described above.

In addition to this HMO base, you may elect to use non-network physicians or hospitals and would be subject to deductibles, co-insurance and fee schedules of various degrees (consult the *New York City Summary Program Description*). Most plans require pre-notification that you are going outside the network.

How can I get health coverage after SLOAC expires and I have not returned to work?

If your coverage terminates for any reason other than gross misconduct, you may apply for coverage by obtaining a COBRA application from your payroll secretary. **COBRA** (the federal Consolidated Omnibus Budget Reconciliation Act of 1985) requires the city to offer employees and their families the opportunity to continue group health and UFT Welfare Fund benefits at 102 percent of the group rate. The period of coverage varies from 18 months if you are healthy to 29 months if you become disabled. This benefit must be applied for within the guidelines. For more information see the *New York City Summary Program Description*. (The application must be made within 60 days of the qualifying event.)

What must I do to reinstate my health plan when I return to work?

Once you return to work, ask the school secretary to file form EB 1054, form ERB and the resumption of service form (OP 255).

Do you have any other advice after I'm back at work?

Be sure to contact the UFT Welfare Fund in writing to update your dependents and confirm your eligibility.

UFT Welfare Fund Disability Benefits**What is the UFT Welfare Fund Disability Plan and how does it relate to pregnant members?**

Disability replaces part of your salary when you are unable to work for medical reasons and you have exhausted your sick bank. The UFT Welfare Fund Disability Plan provides pedagogues with \$275 per week for up to six weeks (eight weeks for caesarean section) following the delivery. Should you be disabled longer, contact the UFT Welfare Fund for possible continuation of disability benefits.

There is an unpaid waiting period of 28 consecutive calendar days of disability (not counting summer vacation) after the mother has exhausted her sick bank and has been removed from the Department of Education payroll. Benefits begin with the 29th day. For a routine pregnancy, this 28-day waiting period may begin with the start of the ninth month if the mother is off payroll at that time. Members must be on an approved leave of absence without pay for restoration of health to qualify for this benefit. (The 28-day waiting period is satisfied if you take a grace period.)

How do I apply for the UFT Welfare Fund Disability Plan?

Write to the UFT Welfare Fund or call the Fund's Forms Hotline (212/539-0539) and request form DBL1. File the form along with a copy of the approved, signed restoration of health leave. Be sure to sign the certification portion of the DBL1.

Can I receive disability payments before the ninth month of pregnancy?

Yes, if you're actually disabled and prevented from performing your duties by physical illness. You may be required to have an examination by a designated physician selected by the UFT Welfare Fund. *Do not wait for your baby to be born.* File a claim for disability benefits as soon as you become disabled.

A member with a complicated pregnancy whom the UFT Welfare Fund's medical advisor has deemed disabled may be eligible for up to 28 weeks of disability benefits and extended SLOAC coverage beyond the four-month limit.

FMLA Leaves for Appointees and Regular Substitutes

What is the federal Family and Medical Leave Act?

This federal law provides up to 12 weeks of unpaid leave to anyone who has worked for a total of at least 12 months as of the date the leave commences (the 12 months need not be consecutive). FMLA leaves can be taken for maternity or child care, adoption and the start of foster care, in addition to caring for an ill family member or to treat a serious personal health condition. However, *FMLA leaves cannot be taken in addition to any other leave, paid or unpaid. You must exhaust your sick leave (CAR) before taking an FMLA leave.*

I'm an appointed pedagogue. Why might I want to take an FMLA leave?

In most cases, SLOAC benefits are greater than those provided by FMLA. However, SLOAC benefits are not available for child care leave or a leave to care for a sick family member. In such instances members can utilize the FMLA leave to continue their health coverage.

I'm a regular substitute (a certified provisional teacher or an uncertified teacher serving under a modified temporary license). Why is the FMLA leave important?

This is the only leave you can take for maternity and child care. This entitles you to 12 weeks of health benefits.

What happens to my benefits during an FMLA leave?

Your health insurance coverage continues as though you were in active service and, at the end of the FMLA leave, you have the right to be restored to the same position you had or to an equivalent position. If you are a regular substitute, an FMLA leave will not interrupt your school retention rights. NOTE: Both men and women can benefit from FMLA leaves.

Where can I get more information about FMLA?

See the board's Personnel Memorandum No. 54 of 1995-96 for full details and the application form.

What forms should I file?

Appointees should file an OP 198 for your paid sick leave, an OP 407 for a confidential medical report and an FMLA leave form.

Other Common Questions

Are regular subs entitled to a grace period, the way appointed teachers are?

No.

Can I remain in the union while on leave?

Yes. To continue receiving *the New York Teacher*, preserve your ability to vote in UFT elections, and safeguard your eligibility for NYSUT and AFT insurance programs, simply send a \$10 check each year with a copy of your leave to the UFT Membership Department, 52 Broadway, New York, NY 10004.

What should I do after the baby arrives?

You should take these important steps:

1. Add your child as a dependent by notifying your health plan (file an ERB Form) and the UFT Welfare Fund (Change of Status form). Include photocopies of your child's birth certificate.
2. File DBL1 for UFT Welfare Fund disability benefits if you haven't already done so. (Include a photocopies of your approved leave of absence and your child's birth certificate.)
3. Review your beneficiary designations in the UFT Welfare Fund, Teachers' Retirement System and tax-deferred annuity (TDA), etc. At TRS, file an updated Designation of Beneficiary form.
4. File a board OP 85 form to change your tax exemptions.
5. When you return to work, reinstate your health benefits with an EB 1054 form and an ERB form.
6. Do you have a will? You might want to investigate the NYSUT Legal Services Program.
7. Remember that your UFT borough office is just a phone call away to answer any questions that you have.
8. Be sure to notify all private insurance carriers from whom you have purchased a policy (like Wohlers, Mutual of Omaha, etc.).
9. Most importantly, congratulations. Whether or not this is your first child, you should cherish these times and enjoy your newly enlarged family.

Maternity

Regularly Appointed Pedagogues

Child Care (Following birth, adoption or foster care)

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences (need not be consecutive). Can only be taken within 1 year of birth or placement of the child.	All appointed pedagogues.
Health Benefits	Up to 12 weeks. Maternity leave expires 6 weeks after birth.	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA

Forms	<p>Dept. of Education: FMLA, Proof of birth, adoption, or foster care, EB 1054 (Secretary files)</p> <p>Welfare Fund: NA</p>	<p>Dept. of Education: OP 160 (Leave) with copy of birth certificate, COBRA</p> <p>Welfare Fund: NA</p>
Notes	<p>FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for child care.</p>	

Care of Ill Family Members

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences.	All appointed pedagogues. Up to a year for care of sick family member. Contract says can apply for an extension of one year.
Health Benefits	Up to 12 weeks	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA
Forms	<p>Dept. of Education: FMLA, Medical Documentation, EB 1054 (Secretary files)</p> <p>Welfare Fund: NA</p>	<p>Dept. of Education: OP 160 (Leave), COBRA, Medical documentation</p> <p>Welfare Fund: NA</p>
Notes	<p>FMLA leave to care for an ill family member may be taken intermittently. FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for this purpose.</p>	CAR cannot be used for this purpose.

FMLA Leaves for Appointees and Regular Substitutes

What is the federal Family and Medical Leave Act?

This federal law provides up to 12 weeks of unpaid leave to anyone who has worked for a total of at least 12 months as of the date the leave commences (the 12 months need not be consecutive). FMLA leaves can be taken for maternity or child care, adoption and the start of foster care, in addition to caring for an ill family member or to treat a serious personal health condition. However, *FMLA leaves cannot be taken in addition to any other leave, paid or unpaid. You must exhaust your sick leave (CAR) before taking an FMLA leave.*

I'm an appointed pedagogue. Why might I want to take an FMLA leave?

In most cases, SLOAC benefits are greater than those provided by FMLA. However, SLOAC benefits are not available for child care leave or a leave to care for a sick family member. In such instances members can utilize the FMLA leave to continue their health coverage.

I'm a regular substitute (a certified provisional teacher or an uncertified teacher serving under a modified temporary license). Why is the FMLA leave important?

This is the only leave you can take for maternity and child care. This entitles you to 12 weeks of health benefits.

What happens to my benefits during an FMLA leave?

Your health insurance coverage continues as though you were in active service and, at the end of the FMLA leave, you have the right to be restored to the same position you had or to an equivalent position. If you are a regular substitute, an FMLA leave will not interrupt your school retention rights. NOTE: Both men and women can benefit from FMLA leaves.

Where can I get more information about FMLA?

See the board's Personnel Memorandum No. 54 of 1995-96 for full details and the application form.

What forms should I file?

Appointees should file an OP 198 for your paid sick leave, an OP 407 for a confidential medical report and an FMLA leave form.

Child Care (Following birth, adoption or foster care)

Regular Substitutes

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences (need not be consecutive). Can only be taken within 1 year of birth or placement of the child.	Regular subs are eligible only for FMLA leave.
Health Benefits	Up to 12 weeks.	NA
Disability		

Benefits (Welfare Fund)	NA	NA
Forms	<p>Dept. of Education: FMLA, Proof of birth, adoption, or foster care EB 1054</p> <p>Welfare Fund: NA</p>	<p>Dept. of Education: NA</p> <p>Welfare Fund: NA</p>
Notes	FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for child care.	

Care of Ill Family Members

Regular Substitutes

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences.	Regular subs are eligible only for FMLA leave.
Health Benefits	Up to 12 weeks	NA
Disability Benefits (Welfare Fund)	NA	NA
Forms	<p>Dept. of Education: FMLA, Medical Documentation, EB 1054</p> <p>Welfare Fund: NA</p>	<p>Dept. of Education: NA</p> <p>Welfare Fund: NA</p>
Notes	<p>FMLA leave to care for an ill family member may be taken intermittently.</p> <p>FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months.</p> <p>Position guaranteed upon return.</p> <p>CAR cannot be used for this purpose.</p>	

EXTENSION

You can extend your childcare each time you give birth

Grace Period

Allows you to remain on payroll - after you've exhausted CAR and prior to going on LWOP for Restoration of Health.

To apply - Complete DOE Form OP198 check Box E and write 30 day grace period. Eligible for one per school year.

Birth of child occurs in summer - To take grace period must return to payroll for at least one day (sick)

MEDICAL BENEFITS

SLOAC

Four months of Health coverage if on Leave who pay for Restoration of Health paid for by DOE.

If disabled -

Welfare Fund will pay for eight more months.

Eligibility for SLOAC

- (1) Must be enrolled in the city health insurance program and be on pay status for a full payroll period to leave
- (2) You must exhaust all sick leave balances prior to the effective date of the leave (Restoration of Health).
- (3) Leave must be approved by Department of Education Medical Bureau

Apply for SLOAC

School Secretary submits form EB1054 with words SLOAC- Leave of absence w/o pay for Restoration of Health as reason for submission.

Health Coverage after SLOAC expires

You may apply for COBRA - City is required to offer employees and family the opportunity to continue group health insurance and Welfare Fund at 102% of the group rate. Period of coverage ranges from 18 months if you are healthy to 29 months if your are disabled.

Return to Work

Ask school secretary to file form EB1054, form ERB and resumption of service form (OP255)
Be sure to complete your dependents.

UFT WELFARE FUND DISABILITY BENEFITS

Maternity

Pedagogues \$350 for up to six weeks (eight for caesarean)
Paraprofessionals \$250 following delivery

Benefits begin on 29th day after waiting period of 28 days. For routine pregnancy waiting period may begin with ninth month if mother is off payroll at the time.

Applications -DBL#1 available from Welfare Fund

Complicated pregnancy mother may be eligible for up to 28 weeks of disability and extended SLOAC coverage FMLA.

In most cases, SLOAC benefits are greater than FMLA benefits when it concerns members own health condition.

UFT Welfare Fund Disability Benefits

The UFT Welfare Fund Disability Plan replaces part of your salary when you are unable to work for medical reasons and you have exhausted your sick bank. The UFT Welfare Fund Disability Plan provides pedagogues with \$350 per week for up to six weeks (eight weeks for caesarean section) following the delivery. Should you be disabled longer, contact the UFT Welfare Fund for possible continuation of disability benefits.

There is an unpaid waiting period of 28 consecutive calendar days of disability (not counting summer vacation) after the mother has exhausted her sick bank and has been removed from the Department of Education payroll. Benefits begin with the 29th day. For a routine pregnancy, this 28-day waiting period may begin with the start of the ninth month if the mother is off payroll at that time. Members must be on an approved leave of absence without pay for restoration of health to qualify for this benefit. (The 28-day waiting period is satisfied if you take a grace period.)

To apply for the Disability Plan write to the UFT Welfare Fund or call the Fund's Forms Hotline (212/539-0539) and request form DBL1. File the form along with a copy of the approved, signed restoration of health leave. Be sure to sign the certification portion of the DBL1.

You can receive disability payments before your ninth month of pregnancy, if you're actually disabled and prevented from performing your duties by physical illness. You may be required to have an examination by a designated physician selected by the UFT Welfare Fund. Do not wait for your baby to be born. File a claim for disability benefits as soon as you become disabled.

A member with a complicated pregnancy whom the UFT Welfare Fund's medical advisor has deemed disabled may be eligible for up to 28 weeks of disability benefits and extended SLOAC coverage beyond the four-month limit.

October 2, 2007

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Medical Benefits/SLOAC

What happens to my medical benefits during a child care leave?

Health coverage is provided during a child care leave only if you are on an FMLA leave.

What happens to my medical benefits during a leave of absence without pay for restoration of health?

Members who are on an approved leave of absence without pay for restoration of health are eligible for four months of Special Leave of Absence Coverage (SLOAC) benefits paid for by the DOE. If you are disabled, the UFT Welfare Fund will pay for up to eight additional months. The coverage is identical to what you had while working.

What are the rules about receiving SLOAC?

To receive SLOAC you must meet three conditions:

1. You must be enrolled in the city health insurance program and be on pay status for a full payroll period prior to leave.
2. You must exhaust all sick leave balances prior to the effective date of the leave of absence for restoration of health.
3. The leave must be approved by the DOE's Medical Bureau.

How do I apply for SLOAC?

On Form EB 1054. Your school payroll secretary submits the form with the words "SLOAC—leave of absence without pay for restoration of health" written on it. Be sure to include the beginning and end dates.

I have enrolled in the GHI/CBP health plan. In general terms, what are my Blue Cross hospital maternity benefits?

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for smaller classes****Ready to Quit
SMOKING?**

Women are eligible for regular hospital benefits for all pregnancy-related conditions. There is a \$200 hospital deductible on all hospital admissions, including maternity. You should contact the New York City Healthline (800/521-9574) as soon as you learn you are expecting.

Will Blue Cross cover my newborn child for full hospital benefits?

Yes, but you must add your new dependent by filling out an ERB form within 31 days of the date of birth as well as the UFT Welfare Fund Change of Status card. A copy of the birth certificate must accompany these forms. If you do not file within 31 days, you will not be allowed to add your new dependent until the next open enrollment period.

What are my maternity care benefits in the GHI/CBP health plan?

You are covered for childbirth and for conditions related to pregnancy. Maternity care may be rendered by a doctor or certified nurse-midwife. The nurse-midwife must be authorized to perform the service under the laws of the state where the services are rendered.

Benefits are available for maternity immediately upon enrollment. There is no pre-existing condition clause or waiting period. If you so desire, GHI can pay its obstetric allowance at the end of each trimester (15 percent, 25 percent and 60 percent respectively). Please note that when using a non-participating provider you are required to meet the deductible as with any other covered medical service.

You should consider using a participating GHI doctor and anesthesiologist. Your savings will be considerable. (For more details check the *New York City Summary Program Description* and GHI's and Empire Blue Cross' booklet, *For City of New York Employees and Retirees*.)

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For my
A. Rotenell
from February 1/74
P.S. 4
7/8-2495-7

March 21, 1974

TO: COMMUNITY SCHOOL BOARD CHAIRMEN, ALL SUPERINTENDENTS, EXECUTIVE DIRECTORS, DIRECTORS, HEADS OF BUREAUS AND PRINCIPALS OF ALL DAY SCHOOLS

Ladies and Gentlemen:

REGULATIONS GOVERNING LEAVES OF ABSENCE FOR MATERNITY
AND/OR CHILD CARE FOR MEMBERS OF THE TEACHING AND SUPERVISORY STAFFS

Note: Since this circular represents a major change in employee rights and benefits, IT SHOULD BE BROUGHT TO THE ATTENTION OF ALL MEMBERS OF THE TEACHING AND SUPERVISORY STAFFS. Payroll secretaries and other members of staff responsible for processing and granting and/or processing leave requests (including sick leave) should read it carefully and retain a copy for reference.

At its meeting on November 28, 1973, the Board of Education adopted new Bylaws relating to leaves of absence for maternity and child care. The new Bylaws are effective as of September 1, 1973. They are intended to satisfy the Guidelines on Sex Discrimination issued by the Federal Equal Employment Opportunity Commission in relation to leaves for maternity.

The major facets of the new policy are:

1. An employee on maternity leave of absence may be paid for the days in her cumulative absence reserve.
2. There is no mandatory date for beginning a maternity leave.
3. Child care leaves are provided for natural or adoptive parents of either sex.
4. Health insurance coverage may be continued until six weeks after the birth of the child or termination of pregnancy while in unpaid status.

Following are the regulations adopted by the Chancellor in accordance with the new section 107 of the Bylaws as authorized by Subdivision 9 thereof. For reference, a copy of Section 107 is attached to this circular.

A. Maternity and/or Child Care Leaves Generally

1. Leaves shall be granted by the Chancellor for personnel under the jurisdiction of the City Board and by the appropriate Community School Board for personnel under its jurisdiction, as follows:
 - a. The Chancellor has delegated the responsibility of granting leaves to personnel under the jurisdiction of the City Board to the Division of Personnel.
 - b. Community School Boards may delegate this responsibility to their Community Superintendents.
2. The leave granting authority is required to grant such leaves upon application in accordance with these regulations.
3. Maternity Leave
 1. Maternity leave shall be subject to the terms and conditions of laws, bylaws and regulations relating to leave with or without pay for personal illness except as provided herein.
 2. A pregnant employee may continue working as long as she is physically capable of performing all of the duties of her position. There is no requirement that a pregnant employee begin leave at any specific point in the term of the pregnancy.
 3. Absence for the purpose of pregnancy and pregnancy related illnesses may be charged to cumulative absence reserve in accordance with regulations for use of cumulative absence reserve during the period of pregnancy and up to six weeks after childbirth. Specific exclusions of pregnancy and pregnancy related illnesses in such regulations are null and void.
 - a. Absences for this purpose may be self-treated within the ten day limit prescribed in agreements with U. F. T. and C. S. A.
 - b. Borrowed days may also be used in accordance with current regulations.
 - c. Sick leave without pay may be requested if needed.
 - d. Where the employee is eligible, a sabbatical leave for restoration of health or a special sabbatical leave for restoration of health may be requested for medical disabilities arising out of pregnancy. The grant of such leave is subject to all regulations for the grant of sabbatical leaves or special sabbatical leaves for restoration of health. Paid or unpaid leave granted for maternity purposes carries with it all of the same benefits and seniority as would accrue for similar leaves granted for illness, and must fall within the quota for the appropriate school or office. Community School Districts, in establishing priorities for the consideration of requests for sabbatical leaves, may not consider maternity differently from other medical conditions.

(Continued on Reverse Side)

Maternity Leave (Continued)

1. It is requested that application for maternity leave should be made at least 30 days before the effective date of the leave or, if leave is to commence at the opening of school in September, at least two weeks before the closing of school in June. This notice is requested so that arrangements may be made for the replacement of the employee during such leave. If the employee's intention is to cease work at or shortly before the date of confinement, application should show probable date of leave. Such leave will be effective as of the date requested by the employee.
5. The employee may, in her option, apply simultaneously for a maternity leave and child care leave. (See Section D concerning Child Care Leaves). Such application may be made on Form O.P. 160 - Application for Leave of Absence Without Pay. Applicant will, nevertheless, be paid for the days in her cumulative absence reserve during maternity leave only. A grant of leave of absence without pay for this purpose will be indicated on the face of Form O.P. 218 - "Notice of Grant of Leave of Absence Without Pay" as being a leave for maternity and child care.
6. In addition to any of the payments specifically described above, pro rata vacation pay shall be paid in accordance with the provisions of Section 106, Subdivision 7 of the Bylaws. The Bureau of Pedagogical Compensation will pay this pro rata summer pay without prior application during or immediately following the next summer after grant of the leave.
7. Maternity leave shall terminate six weeks after the birth of the child or termination of pregnancy. No sick leave payments may be made after that date (During child care leave). However, an employee may, because of illnesses either related or unrelated to maternity, avail herself of paid or unpaid sick leave (depending upon the balance in her cumulative absence reserve) subject to the submission of a certificate from her physician and its approval by the School Medical Director. The School Medical Director shall evaluate such certificate and may, in his discretion, call the employee for physical and medical examination. This paragraph does not apply to an employee who has resumed work after the birth of a child.
8. Before resuming service after the birth of the child or after interruption of pregnancy, an employee on maternity leave or on sick leave for childbirth, or termination of pregnancy, shall present to the School Medical Director a certificate from her physician stating the condition of her health. The School Medical Director shall evaluate such certificate and may, in his discretion, call the employee for physical and medical examination. Such certificate is not required if resumption of service is more than six weeks after childbirth or termination of pregnancy.
9. Where an employee's immediate supervisor finds that the employee, as a result of pregnancy, cannot perform the duties of her position satisfactorily, a medical examination may be requested in accordance with the regulations which apply to other medical conditions which interfere with the performance of an employee's duties. For this purpose, occasional short-term absences are not considered to materially reduce an employee's ability to perform her duties.
10. Maternity leave shall not be granted to employees on unpaid leave. Such employees may, however, apply for child care leaves.

Continuation of Health Insurance Coverage During Maternity Leave

1. Effective September 1, 1973, an employee is permitted to continue her city health insurance coverage at no cost to her for herself and her eligible dependents for a period up to six weeks after termination of pregnancy, provided the balance in her cumulative absence reserve has been exhausted and she is no longer on payroll. This benefit is only available to teachers who have exhausted their cumulative absence reserves.
2. An employee wishing to continue health insurance coverage must complete the top portion of ~~Request Form D.P. 1055~~ - "Request for Continuation of Health Insurance While on Maternity Leave", and submit it to her payroll officer at least one month prior to the start of the maternity leave. Copies of D.P. 1055 may be obtained from Health and Welfare Services Unit, 65 Court Street, Room 502, phone 596-6966.
3. The payroll officer is to complete the section marked, "For Payroll Clerk Only" and sign the box marked, "Approved By". The "Date to be Removed from Payroll" should be the beginning of the payroll period following the last day on payroll.

Copies of the D.P. 1055 are to be distributed as follows: White copy to the medical carrier, Yellow copy to the employee, Pink copy in the employee's personnel file.

4. When pregnancy terminates, the employee should put the child's name, date of birth, and sex in the space provided on the Yellow copy of the D.P. 1055 in her possession, and return it to the medical carrier. The carrier will then remove the employee from City Health insurance coverage six weeks after the birth of the child or termination of pregnancy and send a direct payment bill. An employee who returns to work must complete a new Health Authorization form (D.P. 1053) in order to be returned to the City group.

Use transmittal ADVISIN 5104C & copy due date of baby - give teacher 1800 to fill in and send back to Secretary - 4 MDS MAT.

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Child Care Leave

- 1. A child care leave shall be granted upon application in accordance with these regulations to a natural or adoptive parent of either sex. Such leave is granted so that the employee may devote a more substantial portion of his or her time to the care of a young child than could be done while pursuing full time employment.
- 2. The following restrictions are applicable:
 - a. Full time employment while on such leave is prohibited.
 - b. If both parents are employees of the school system, only one of them may be on child care leave at any given time.
- 3. Application for child care leave should be made at least 30 days before the effective date of the leave or, if the leave is to commence at the opening of school in September, at least two weeks before the closing of school in June, so that arrangements may be made for the replacement of the employee during such leave.
- 4. For an employee who has completed a maternity leave after the birth of a child, the child care leave may commence at the termination of the maternity leave. For any other employee, it may commence as follows:
 - a. For an employee who has not completed a maternity leave, a child care leave may commence no earlier than the date of birth of the child.
 - b. The commencement of a leave for care of an adopted child should be reasonably related to the date the child is placed in the home, but may be later.
- 5. Such leave shall terminate four years from the beginning of the fall term following the beginning of the maternity leave. Where no maternity leave has been granted, the leave shall terminate at the beginning of the school year following the child's reaching the age of four years.
- 6. A child care leave may be terminated at an earlier date than the one set forth in paragraph 5 above at the request of the employee at the opening of any school term in September or February, provided the employee notifies the Chancellor or Community School Board (as appropriate) of her intent to return at least one month prior to the date of her return to service. The Chancellor or the appropriate Community School Board may approve the termination of a child care leave during a school year, provided there is an appropriate opening in which the employee's service may be utilized. An appropriate opening for purposes of return other than at the beginning of a semester is one which has been vacated due to the resignation, retirement, termination, transfer, reassignment, promotion, leave of absence without pay or death of an incumbent.
- 7. Child care leaves shall be without pay except that pro rata vacation pay, if any is earned, will be paid for the years in which the leave begins and ends in accordance with the provisions of Section 106, Subdivision 7 of these Bylaws, but such pay shall not duplicate payment granted under Section B, paragraph 6 of these regulations. No sick leave with or without pay shall be granted to an employee on child care leave.
- 8. Any member of the teaching staff on leave of absence for the purpose of child care may apply to use his or her license for per diem service. Application should be made to the Bureau of Appointment, 65 Court Street, Brooklyn, New York 11201, Room 600. Such person may serve only as a per diem substitute on a less than full time basis in the day schools of the City of New York during the period of the leave of absence for child care. Please note that this does not apply to members of the supervisory staff. A teacher who wishes to return to full time service may do so by terminating the leave in accordance with Subdivision 5 or 6 of this section.
- 9. If, during child care leave or during any other unpaid leave, the occasion arises to request a child care leave by reason of the birth or adoption of a child, the employee concerned may so apply and the leave shall be granted upon application. Such leave shall commence upon the date of birth (or placement for adoption) of the child and shall be subject to pertinent provisions of these regulations. The prior child care leave will terminate on the date that the new leave takes effect.

Teachers Other Than Regularly Appointed Teachers

- 1. Teachers other than regularly appointed teachers serving in a full term assignment whether paid on a per annum or per diem basis may use cumulative absence reserve for maternity purposes in accordance with regulations appropriate to the method under which they are paid. After the exhaustion of such cumulative absence reserves, such personnel may discontinue their service and the appropriate summer pay will be paid in accordance with regulations.
- 2. Such teachers paid on a per annum basis who are pregnant and who have health insurance coverage under the choice of plans may continue such coverage in accordance with Section C of these regulations.

Teachers Other Than Regularly Appointed Teachers (Continued)

3. Replacement of such employees shall be accomplished in a manner consistent with the needs of the school system and with laws and regulations concerning sex discrimination. Where a substitute teacher is taking a short period of time for maternity purposes, every effort should be made to treat such absence in the same manner as an illness. Careful consideration should be given to the circumstances of each individual case. Nothing in these regulations shall be construed to require the holding of a specific opening for the return of a substitute teacher after maternity where business necessity requires the filling of that position. The "business necessity" concept means that replacement is so necessary to the operation of the school system that the possible discriminatory effect is accepted. Among the criteria to be followed are:

- a. The duties of the position are essential to ongoing operations.
- b. The position cannot reasonably be filled temporarily.

Since per diem teachers covering occasional absences do not receive an annual salary, no specific benefits are provided. However, per diem teachers in long term vacancies are covered in Section E, subdivision 1.

Effect on Probation

An employee in probationary status does not accumulate credit towards completion of the probationary period during the time the employee is on unpaid leave.

Effective Date

These regulations are effective September 1, 1973.

Questions Concerning This Circular Should Be Directed Through Normal Supervisory Channels.

Schools in Community Districts should direct questions to the personnel officers of their districts; City District schools to the Office of their supervising Superintendents. If personnel in these offices need assistance in answering questions, they are to refer the questions, in writing, to the Division of Personnel which will reply promptly.

Very truly yours,

FRANK C. ARRICALE, II
Executive Director

ED:

ANKER
or

Section 107. Leaves of Absence for Maternity and/or Child Care for Teaching and Supervisory Staff.

Leaves shall be granted by the Chancellor for personnel under the jurisdiction of the City Board and by the appropriate Community School Board for personnel under its jurisdiction.

Leaves of absence shall be granted for purposes of maternity and child care. The employee concerned should make reasonable notification of intent to take such leave so that arrangements may be made by the appropriate authority for necessary replacement of the employee during the period of the leave. Maternity leave shall be subject to the terms and conditions of laws, bylaws and regulations relating to leave with or without pay for personal illness except as provided herein.

Maternity leave shall commence at the date set in accordance with paragraph 2, above and shall end six weeks after the birth of the child or six weeks after the termination of the pregnancy. Such leave may be sooner terminated at the request of the employee in accordance with regulations.

The following payments will be made in connection with such leave:

- a. The employee may be paid for the days in her cumulative absence reserve.
- b. Pro rata vacation pay, if any is earned, will be paid for the years in which the leave begins and ends in accordance with the provisions of Section 106, subdivision 7 of these Bylaws.

Child care leave shall be granted to a natural or adoptive parent upon application. Such leave is granted to a member of staff so that he or she may devote a more substantial portion of his/her time to the care of the young child than could be done while pursuing full-time employment; therefore, full-time employment while on such leave is prohibited. If both parents are employees of the school system, only one of them may be on a child care leave at any given time.

For an employee who has completed a maternity leave after the birth of a child, the child care leave shall commence at the termination of the maternity leave. For any other employee, it shall commence as granted.

The Chancellor shall make regulations governing the maximum length of child care leaves. Such leave may be terminated at the request of the employee, but return to work shall be at the opening of school in September or February. The Chancellor or the appropriate Community School Board may approve the termination of such leave during a school year, provided there is an appropriate opening in which the employee's services may be utilized.

Child care leaves shall be without pay except that prorata vacation pay, if any is earned, will be paid for the years in which the leave begins and ends in accordance with the provisions of Section 106, subdivision 7 of these Bylaws but such pay shall not duplicate payment granted under subdivision 3b of this section.

An employee in probationary status shall not accumulate credit toward completion of the probationary period during the time the employee is on unpaid leave. Replacement of employees shall be accomplished in a manner consistent with the needs of the school system and Federal laws and regulations concerning discrimination.

Any member of the teaching staff on leave of absence for the purpose of child care may apply to use his or her license for per diem service.

Such person may serve only as a per diem substitute on a less than full-time basis in the day schools of the City of New York during the period of the leave of absence for child care. A teacher who wishes to return to full-time service may do so by terminating the leave in accordance with subdivision 4 of this section.

Health insurance coverage under the choice of plans provided to employees will continue while the employee is in pay status. Provided a pregnant employee uses up all paid leave time, coverage will continue until six weeks after the birth of the child or termination of pregnancy.

Any prior provisions of the Bylaws or any regulations notwithstanding, conditions relating to pregnancy may be charged to cumulative absence reserve.

The Chancellor is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.