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On January 1, 2017, Assembly Bill (AB) 2393 went into effect, and eligible certificated and classified school district employees may now use sick leave and/or differential pay for child bonding/parental leave for up to twelve (12) workweeks during the applicable 12-month period. Eligible employees must first exhaust their accumulated sick leave before accessing their differential pay while on parental leave. To assist all employees in understanding their right to take such paid parental leave, below please find information in response to the most common questions we have received.

1. What is "parental leave"?

AB 2393 amended Education Code section 44977.5 for certificated employees and added Education Code section 45196.1 for classified employees. The term "parental leave" is defined as "leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee." This leave is commonly referred to as "bonding leave" under CFRA. We therefore refer to "bonding leave" and "parental leave" interchangeably throughout this notice.

2. Which employees are eligible for AB 2393 parental leave benefits?

An employee must have been employed by the District for twelve (12) months to qualify for parental leave under Education Code sections 44977.5 and 45196.1. Parental leave under the Education Code runs concurrently with bonding leave under the CFRA.

3. How much bonding or parental leave is an eligible employee entitled to?

An eligible employee is entitled to up to twelve (12) workweeks of bonding leave to be utilized during the first year following the birth or placement of a child with the parent through foster care or adoption. The 12-workweek period is measured by the equivalent of 12 of the employee's normally scheduled workweeks. For example, if an employee normally works 3 days per workweek, the employee would be entitled to twelve 3-day workweeks of leave. Employees are entitled to up to one 12-workweek period of parental leave in a 12-month period.

4. Can I use the 12 workweeks of parental leave intermittently?

Yes, with caveats. An employee is only entitled to one 12-workweek period of parental leave during the applicable 12-month period. However, this leave may be utilized anytime during the 12-month period following birth or placement of a child. The minimum duration to take such leave is two weeks, except that on two occasions the employee may take such leave for a duration of less than two weeks.

5. How much will I get paid if I elect to receive differential pay while on parental leave?

There are different rules for certificated and classified employees when implementing differential pay.

Certificated: *If a substitute is hired, the District will pay the employee his/her regular daily rate minus the cost of a substitute. If a substitute is not hired, the District will pay the employee his/her regular daily rate minus the amount that would have been paid to a substitute. This amount will not be less than 50% of the employee's regular pay.*

Classified: *The District will pay the employee 50% of his/her regular pay.*

While on parental leave, an employee is also entitled to receive any applicable health benefits.

6. When does an employee begin receiving differential pay while on bonding leave?

Eligible employees receive differential pay after they exhaust all accumulated sick leave and continue to be absent from their duties on account of parental leave. If an employee wishes to take bonding leave and still has accumulated sick leave, the employee may use that accumulated sick leave towards the 12 weeks of bonding leave. If the employee exhausts his/her sick leave during the 12-week period, the remainder of the 12 workweeks will be paid at the applicable differential pay rate.

For example, an employee who uses 7 weeks of accumulated sick leave during his/her parental leave, assuming this exhausts all such available leave, is then eligible to receive differential pay for the remaining balance of the 12-week period, an additional 5 weeks of leave.

Please note, an employee who elects not to exhaust his/her sick leave during the parental leave, or who has not exhausted his/her sick leave prior to taking parental leave, is ineligible for and cannot access the differential pay benefit. However, the employee may still be eligible to take up to 12 workweeks of unpaid bonding leave under the CFRA.

7. Differential pay is also available for extended illness or injury. If an employee exhausts his/her allotment of extended illness/injury prior to going on parental leave, is the employee still eligible for differential pay while on parental leave?

Yes. If an employee has already exhausted his/her extended illness/injury leave, including a leave for pregnancy disability, the employee is still entitled to up to 12 workweeks of parental leave for bonding purposes.

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