

Staff Maternity/Paternity/Parental Leave

Maternity leave

Medically necessary sick leave for maternity purposes shall be available to any female employee who becomes pregnant. The leave will be allowed during such period of the pregnancy and a reasonable time immediately following termination of the pregnancy as is medically necessary to safeguard the health of the mother and/or child.

1. Determination of Necessity

The determination and designation of the period of time during which maternity leave is necessary, may be initiated by either the employee or the district. Final determination of such period including the beginning, duration and end of the period, shall be made by the district, based on information provided by the employee, the employee's physician, the administration and if deemed necessary, by a physician designated by the district.

2. Reinstatement

An employee who has taken leave in accordance with this policy shall be assured reinstatement following the end of the period of time during which leave is necessary.

3. Notice

An employee who becomes pregnant shall be encouraged to notify the district regarding the pregnancy well in advance of the expected leave so that the district may make appropriate staffing decisions. When an employee is no longer pregnant, she shall notify the district of this fact.

4. Benefits

An employee on maternity leave for medical necessity as determined by the employee's or the district's designated physician shall receive pay, insurance and other benefits to the same extent and on the same basis as sick leave used for other purposes. Any additional leave granted by the district for maternity purposes beyond that which is medically necessary shall be without pay or other benefits unless the provisions of the federally- mandated family leave policy apply.

Parental leave

The provisions of this section shall apply only after an eligible employee has used any applicable federally-mandated family leave. Any days taken for family leave will be deducted from the total leave period allowed under this policy.

Parental leave of absence without salary and fringe benefits may be granted to staff members for the purpose of child rearing, child care or adoption. Parental leave may be granted for a period of time not to exceed 6 weeks for each employee. The leave need not be taken all at once, but must be taken in increments which coincide with the planning needs of the district.

In determining whether to grant the leave request, the district will consider any

special needs of the child, the staffing needs of the district and any other relevant factors. The district will grant parental leave without regard to the sex of the employee.

The request for leave will be made to the district's personnel office. If the parental leave request is refused by the personnel office, the staff member may appeal to the Board of Education.

If the leave period is for an entire school year, notice of intent to return from leave must be given to the personnel office before April 1 preceding the school year the employee wishes to return to work. If the leave is for a period less than an entire school year, notice of intent to return shall be given at least three months prior to the date the employee wishes to return to work. Upon return from parental leave, the employee shall be reinstated on the salary schedule at the column and step he or she was on when granted leave.

As long as proper notice has been given of the employee's intent to return to work, the district shall reinstate the employee and place him or her on the salary schedule at the appropriate level. A teacher being reinstated shall be placed in a teaching position as nearly identical as possible to the position left at the commencement of the leave. In no event shall a teacher be placed in a position for which he or she is not qualified or licensed.

The employee on parental leave may be permitted to substitute in the school district at the district-approved substitute rate of pay.

Nothing in this policy shall be construed to limit the powers or duties of the Board or administration to make employment decisions for the district including but not limited to nonrenewing a contract of a probationary teacher.

Adopted: 2006

Revised: 11/06/2016

08-08-2018

LEGAL REFS.: 29 U.S.C. 2601 *et seq.* (Family and Medical Leave Act of 1993)
42 U.S.C. 2000e-2 (Title VII of the Civil Rights Act of 1964)
C.R.S. 19-5-211 (adoption statute)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
GBA, Open Hiring/Equal Employment Opportunity

NOTE 1: Federal law requires that there be no discrimination based on pregnancy or maternity in any district policy, including sick leave.

NOTE 2: The FMLA applies to all educational institutions, including school districts. However, an employee is only eligible for family and medical leave if he or she is employed at a worksite where at least 50 employees are employed within 75 miles.

NOTE 3: State law requires the provision of "reasonable accommodations" to employees and applicants for employment for any "health conditions related to pregnancy or the physical recovery from childbirth." C.R.S. 24-34-402.3 (1)(a)(I). State law prohibits the district from requiring a female employee to take leave if the employee has not requested such leave or if the district can provide another reasonable accommodation for the employee's pregnancy, physical recovery from childbirth or related condition. C.R.S. 24-34-402.3 (1)(a)(IV), (V).

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