

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 school district. Final determination of such period including the beginning, duration and end of the period shall be made by the Board of Education based on information provided by the employee, the employee's physician, the administration and if deemed necessary by a physician designated by the Board of Education.

2. Reinstatement

An employee who has taken leave in accordance with this policy shall be assured reinstatement at the beginning of the first semester following the end of the period of time during which leave is necessary. However, any leave granted shall in no way affect the powers or duties of the Board including but not limited to the nonrenewal of a contract of a probationary teacher.

3. Notice

An employee who becomes pregnant shall be encouraged to notify the superintendent or his designee regarding the pregnancy by the 5th month of pregnancy of a request for expected leave so that the district may make appropriate staffing decisions. When an employee is no longer pregnant, she shall notify the superintendent or designee of this fact.

4. Health Insurance Benefits

An employee on maternity leave for medical necessity as determined by the employee's or the Board's 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 Board 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.

5. District Paid Leave Benefits

Any employee who has been employed full time with the District for 5 years or longer shall receive a maximum of 10 days of direct District paid leave to be applied toward maternity leave. An employee who has been employed full time with the District for 3-5 years shall receive a maximum of 5 days of direct District paid leave to be applied towards maternity leave. An employee who has been with the District for less than 3 years shall not receive any direct District paid leave. Direct District paid leave is for maternity leave purposes only.

6. Additional Options for Paid Maternity Leave

A number of options will be made available to employees for continued pay while on maternity leave, dependent upon their length of time with the District (see GBGE-R). These options will include short term disability, use of accumulated sick leave days, use of the District wide Sick Leave Bank, off site work days, and District covered direct pay. Employees that have been employed full time by the District for three or more years are eligible to use these options. In exchange, employees are expected to stay in regular communications with their substitutes and to provide regular support and advice to the District as necessary to ensure a smooth continuity of operations, whether in or out of the classroom. These options are made available only for maternity leave purposes.

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, parental or adoption. Parental leave may be granted for a period of time not to exceed a total of one school year 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.

The employee shall be allowed to participate in the school district insurance program at his or her own cost, subject to the terms of the applicable policies.

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 a parental leave without regard to the sex of the employee.

The request for leave will be made to the superintendent. If the parental leave request is refused by the superintendent, 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.

If the employee fails to return to work on the scheduled date, he/she will be deemed to have resigned and shall forfeit his/her right to continued employment in the district.

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.

LEGAL REFS.: 29 U.S.C. 2601 *et seq.* (*Family Medical Leave Act*)
 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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COLORADO SAMPLE POLICY 1993©

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San Juan County School District #1, Silverton, Colorado
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