

## **Staff Maternity/Paternity/Parental Leave**

### **Maternity leave**

Medically necessary sick leave for maternity purposes shall be available to any female employee who becomes pregnant. Such leave shall 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 the 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 designee 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 superintendent or designee of this fact.

#### 4. 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.

#### **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 a total of two consecutive school years 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 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 child care leave shall be given to the personnel office while the employee is on leave and before April 1 preceding the school year the employee requests 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 such 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 to make employment decisions for the district including but not limited to nonrenewing a contract of a probationary teacher.

Adopted: February 10, 1981

Revised: September 14, 1993

Revised and recoded: October 12, 2010

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*)

Swink School District #33, Swink, Colorado