

## **Staff Maternity/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 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 section 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 two semesters 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 superintendent.

If the leave period is for an entire school year, notice of intent to return from leave must be given to the human resources 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, unless otherwise approved by the superintendent.

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.

While on parental leave, the employee shall be allowed to participate in any school district insurance or other similar program at his/her own cost, subject to the terms of any applicable policies.

An employee who has been granted a parental leave shall be returned to his/her former position. If the position is no longer vacant and the employee was on leave for 12 weeks or fewer, he/she shall be returned to an equivalent position. If that position is no longer vacant and the employee has taken leave of more than 12 weeks, the employee shall be placed in a position for which he/she is qualified. However, nothing herein shall be construed to limit or modify the authority and discretion of the Board of Education and the superintendent of schools, as otherwise conferred by policy or statute, including, but not limited to, the authority to effect transfers, terminations or other similar matters.

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 by the superintendent: January 22, 2014  
Revised and recoded by the superintendent: July 17, 2019

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.:

*Board policy:*

EL-12, Staff Treatment

*Administrative policies:*

AC, Nondiscrimination/Equal Opportunity

GBA, Open Hiring/Equal Employment Opportunity

GBDA, Board-Staff Meet and Confer