

Staff Maternity/Paternity/Parental Leave

Maternity Leave/Time Limitation

Medically necessary sick leave for maternity purposes, referred to herein as "Maternity Leave", shall be available to any female employee who becomes pregnant. Maternity 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, as determined by the employee's physician, but it shall not exceed twelve (12) weeks, including all nonworking days that fall within such twelve-week period.

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 BOCES. Final determination of such period including the beginning, duration and end of the period shall be made by the BOCES based on information provided by the employee, the employee's physician and the executive director.

2. Reinstatement

An employee who has taken Maternity Leave in accordance with this policy shall be assured reinstatement following the end of the leave period.

3. Notice

An employee who becomes pregnant shall be encouraged to notify the executive director or designee regarding the pregnancy as soon as possible so that the BOCES may make appropriate staffing decisions in anticipation of the employee taking Maternity Leave. When an employee is no longer pregnant, she shall notify the executive director or designee of this fact.

4. Benefits

An employee on Maternity Leave who has available sick leave 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 BOCES for maternity purposes beyond that which is medically necessary and covered by available sick leave shall be without pay or other benefits, except that the BOCES will continue to pay the employer portion of such employee's health insurance premium during the period of such leave up to a maximum of twelve (12) weeks.

Parental leave

Parental leave of absence ("Parental Leave") may be granted to staff members for the purpose of newborn child rearing or adoption. Parental Leave shall be without pay or other benefits, except that the BOCES will continue to pay the employer portion of such employee's health insurance premium during the period of such leave up to a maximum of twelve weeks.

Parental leave may be granted for a period of time not to exceed twelve (12) weeks for each employee, including all nonworking days that fall within such twelve-week period, and may be taken at any time during the baby's first year. The specific schedule will be subject to approval by the executive director. Any days taken for Maternity Leave subsequent to the birth of the child will be deducted from the total leave period allowed for Parental Leave. The BOCES will grant parental leave without regard to the sex of the employee.

The request for leave, including the employee's preferred dates of such leave, will be made to the executive director. The executive director will either approve the employee's requested dates of Parental Leave, or, if reasonably necessary in the best interests of the BOCES, designate alternate dates. The executive director's decision shall be final as to the dates of Parental Leave.

The BOCES shall reinstate the employee to his or her same position after return from Parental Leave in accordance with this policy. Nothing in this policy shall be construed to limit the powers or duties of the Board or administration to make employment decisions for the BOCES.

Adopted: May 12, 2016

Revised: November 8, 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)

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

NOTE 2: The FMLA applies to all educational institutions, including BOCES. 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).