

# P-2: Administrative Procedures

## Paid Parental and Postpartum Recovery Leave



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### REFERENCES

Board Policy P-2

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### DEFINITIONS

**Birth Parent:** An individual who is:

- A. a birth mother;
- B. a woman whose maternity is established;
- C. a woman who:
  - (1) has been identified as the mother of a child by the child's birth mother; and
  - (2) has not denied maternity;
- C. a man whose paternity is established;
- D. a man who:
  - (1) has been identified as the father of a child by the child's birth mother; and
  - (2) has not denied paternity; or
- E. an unmarried biological father

**Family Medical Leave Act (FMLA) Eligible Employee:** An employee who has worked for the district at least 1,250 hours during the 12 consecutive months immediately preceding the date the FMLA leave would begin.

**Paid Parental Leave:** Leave hours the district provides to a parental leave eligible employee to bond with a child, or in the case of a guardianship appointment, an incapacitated adult.

**Paid Parental Leave Eligible Employee:** An employee who:

- A. is in a position that receives retirement benefits under Title 49 of the Utah Code, Utah State Retirement and Insurance Benefit Act;
- B. accrues paid leave benefits that can be used in the current and future calendar year;
- C. is not reemployed as defined in Utah Code §49-11-1202;
- D. is assuming a parental role with respect to the child or the incapacitated adult for which parental leave is requested; and
- E. (1) is the child's biological parent;
  - (2) is the spouse of the person who gave birth to the child;
  - (3) is the adoptive parent of the minor child, unless the employee is the spouse of the pre-existing parent;
  - (4) is the intended parent of a child born under a validated gestational agreement in accordance with Utah Code §78B-15-8, Gestational Agreement;
  - (4) is appointed the legal guardian of a minor child or incapacitated adult; or
  - (5) is the foster parent of the child.

**Postpartum Recovery Leave:** Leave hours the district provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

**Postpartum Recovery Leave Eligible Employee:** An employee who:

- A. gives birth to a child;
- B. is in a position that receives retirement benefits under Title 49 of the Utah Code, Utah State Retirement and Insurance Benefit Act;
- C. accrues paid leave benefits that can be used in the current and future calendar year; and
- D. is not reemployed as defined in Utah Code §49-11-1202;

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### PROCEDURES FOR IMPLEMENTATION

#### I. Amount, Time Frame, and Duration of Paid Parental Leave ("PPL") and Postpartum Recovery Leave ("PRL")

- A. Eligible employees must contact the district's Human Resource Services' benefits office to give the district notice at least 30 days before the day on which the eligible employee plans to begin using PPL or PRL.
  - 1. If circumstances beyond the employee's control prevent the employee from giving 30 days advance notice, the employee shall give as much notice as reasonably practicable.
- B. Eligible employees will receive a maximum of 120 hours (three weeks) of PRL per birth.
  - 1. The fact that an eligible employee has more than one child from the same pregnancy (e.g. the birth of twins) does not increase the total amount of PRL granted for that event.

- C. Eligible employees will receive a maximum of 160 hours (four weeks) of PPL per birth, adoption, qualifying legal guardianship appointment, or placement of a foster child in their care.
  - 1. The fact that an eligible employee has more than one child from the same pregnancy, adopts more than one child, is appointed as the legal guardian of more than one child/incapacitated adult, or has more than one foster child placed in their care (e.g., the birth of twins or adoption of siblings) does not increase the total amount of PPL granted for that event.
- D. No employee will receive more than 160 hours (four weeks) of PPL in a rolling 12-month period, regardless of whether more than one birth, adoption, foster placement, or qualifying legal guardianship appointment occurs within that 12-month time frame.
- E. The amount of PPL and PRL an employee is entitled to will be prorated based on the employee's FTE percentage.
- F. Each week of PPL and PRL is compensated at the employee's regular rate of pay and will be paid on the district's regularly scheduled pay dates.
- G. Approved PPL may be taken at any time during the 12-month period immediately following the birth, adoption, or qualifying legal guardianship of a child. PPL may not be used or extended beyond this 12-month time frame.
- H. Eligible employees must take PPL in one continuous period of leave and must use all PPL during the 12-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the 12-month time frame.
- I. PRL will run consecutively with PPL in one continuous period unless documentation from a medical provider demonstrates that PRL is needed prior to the birth of the child.
- J. If the employee is FMLA eligible, PPL and PRL will run concurrently with leave under the FMLA.
  - 1. Any PPL and/or PRL leave will be counted toward the 12 weeks of available FMLA leave per 12-month period. All other requirements and provisions under the FMLA will apply.
  - 2. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period.
- K. An employee who takes PPL and/or PRL that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on PPL and/or PRL as if the employee were on FMLA-qualifying leave.
- L. The district will maintain all benefits for employees during the PPL and/or PRL period just as if they were taking any other district paid leave such as paid administrative leave or paid sick leave.
- M. Upon termination of the employee's employment, the employee will not be paid for any unused PPL or PRL for which the employee was eligible.