

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

### **Maternity leave**

Medically necessary 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 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 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 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.

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

At the request of the personnel office, the granting of parental leave may require evidence of need. If the parental leave request is refused by the personnel office, 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 parental 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.

Every effort will be made to place a teacher who takes a parental leave of absence back in the school where they were when they went on leave. In the event that a teacher cannot be placed in the same school (loss of staffing, reduction in force, etc.), then the teacher will be required to interview for another vacancy and secure a mutual consent placement (per C.R.S. 22-63-202(2)(c.5). If the teacher does not secure a mutual consent assignment, he/she will be placed in a temporary assignment in which he/she is qualified for one year. During that year and the following year, the teacher may still seek a mutual consent assignment. If, at the end of the year on temporary placement, the teacher still has not secured a mutual consent assignment, that teacher will be placed on unpaid leave following the District's Teacher Mutual Consent and Hiring Cycles procedures.

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: July 30, 1985  
Revised: May 26, 1992  
Revised: April 26, 1995

Revised and recoded: October 26, 2011  
Revised: July 22, 2015

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. 22-63-202(2)(c.5) (*mutual consent & displacement statute*)

Fountain-Fort Carson School District #8, Fountain, Colorado