



CAESAR RODNEY SCHOOL DISTRICT

Paid Parental Leave Procedure

PURPOSE

The purpose of this procedure is to provide guidelines under which full-time employees of the Caesar Rodney School District ("the District") may exercise their right to take paid parental leave upon the birth or adoption of a child pursuant to Section 1333 of Title 14 of the Delaware ("Section 1333").

SCOPE

This procedure applies to eligible full-time employees upon the birth, or adoption of a child six (6) years of age or younger.

DEFINITIONS

Adoption - Legal adoption confirmed by a decree or lawful adoption placement confirmed by an adoption agreement or other acceptable written verification of a child six (6) years of age or younger.

Family Medical Leave Act (FMLA) - Federal law that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Foster Care Children – Children who have been placed with an individual or a couple by the Department of Services for Children, Youth and Families (DSCYF), or a licensed agency to provide foster care in exchange for foster care payments provided by DSCYF or a licensed agency.

Full-time Employee - A full-time State pension eligible employee employed by a reorganized school district, charter school, or vocational school district for at least 12 consecutive months in a position requiring at least 130 hours per month for at least 9 months for 9 month employees; for at least 130 hours per month for at least 10 months for 10 month employees; for at least 130 hours per month for at least 11 months for 11 month employees; and for at least 130 hours per month for 12 months for 12 month employees.

Intermittent Leave - Leave taken in separate blocks of time due to a single qualifying reason.

Lawful Adoption Placement - The selection of an approved family for the child; the arrangement for the child's move into an adoptive home; or the relocation of the child with an adoptive family performed only by the DSCYF or a licensed or authorized agency.

Multiple births/adoption - More than one child is born from the same pregnancy, or more than one (1) child who is six (6) years old or younger adopted through the same adoption process, or on the same date.

Parent - Legal parent as evidenced by birth certificate, adoption documents, court order, or other legal documents.

Parental Leave - Refers to the paid leave taken pursuant to Section 1333(a); twelve (12) workweeks of paid leave for the purposes of caring for or bonding with a newborn or caring for or bonding with a newly adopted child or new lawful placement for adoption six (6) years of age or younger.

Reduced Leave Schedule - A leave schedule that reduces an employee's usual number of working hours per workweek, or per workday.

Short Term Disability (STD) - A State program that entitles employees enrolled in the Disability Insurance Program (DIP) with partial income replacement for up to 182 calendar days should the employee become disabled due to a covered accident, illness or pregnancy.

Workweek - An employee's regularly scheduled hours within the seven (7) day pay period that does not include overtime or extra duty. Holidays or Severe Weather Conditions and Emergencies declarations occurring during a week when Parental Leave is taken will not extend the Parental Leave time. If, however, an employee is not expected to work for an entire week (e.g. school closing for Winter Holiday, Spring Break, or Summer Break), the week does not count against the employee's parental leave entitlement.

PROCEDURE and GUIDELINES

Parental Leave Entitlement and Utilization

- A. A full-time employee employed by a reorganized school district, charter school, or vocational school district for at least 12 consecutive months shall be entitled to 12 weeks of paid parental leave upon the birth of a child of the employee, or upon adoption by the employee of a child who is 6 years old or younger.

- i. The birth of a child, or adoption of a child, must occur on or after April 1, 2019.
 - ii. Multiple births/adoptions do not increase the length of paid parental leave.
- B. Parental leave is for the purpose of caring for and bonding with the child. If the employee is not caring for and bonding with the child, the employee is not eligible for parental leave. If, for whatever reason, the child is no longer in the care of the employee, the parental leave shall terminate.
- C. The entitlement to parental leave shall expire at the end of the 12-month period beginning on the date of the birth or adoption creating the entitlement to parental leave.
 - i. For example, an employee entitled to parental leave takes six (6) weeks of parental leave during this 12-month period, there will be no entitlement to take the remaining 6 weeks of parental leave subsequent to the expiration of the 12-month period following the birth or adoption creating the entitlement to parental leave.
 - ii. If an employee receiving parental leave terminates employment prior to the end of the 12-month period, there shall be no payment for unused parental leave.
- D. Parental leave cannot be taken on an intermittent basis, or be used to create a reduced leave schedule. Parental leave must be taken for a continuous block of time up to a maximum of 12 weeks.
 - i. If an employee works less than 12 months in a year, parental leave taken for a period ending at the end of a school year, and resuming at the beginning of the following school year, will be considered leave taken consecutively rather than intermittently.
 - ii. If an employee works less than 12 months in a year and becomes eligible for parental leave outside of the contractual school year, the employee may have the option to start their parental leave upon their return for the subsequent school year so long as the parental leave is utilized within 12-month entitlement period.
- E. In the event that the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available leaves shall be utilized.
- F. If two District employees are eligible for parental leave for the same birth or adoption, each of the employees is eligible for 12 weeks of parental leave. Parental leave for both

employees ends at the expiration of the 12-month period beginning on the date of the birth or adoption.

- G. Employees who are not eligible for parental leave may use accumulated sick leave upon the birth or adoption of a child pursuant to Section 1333(c). The right to use accumulated sick leave pursuant to Section 1333(c) is without regard to length of employment.
- H. Employees eligible for parental leave cannot use paid leave, which includes, but is not limited to accumulated sick, annual or personal leave to extend leave beyond the 12 weeks of paid leave provided by Section 1333(a). Employees may, with approval by the District's Board of Education, use unpaid leave to extend parental leave for extenuating circumstances (i.e. documented medical complications).

Impact on FMLA Leave Entitlement and STD

- A. The use of parental leave, or the use of accumulated sick leave under 1333(c), shall run concurrently with FMLA and STD. If, for example, a full-time employee uses 12 weeks of parental leave, the use of the 12 weeks of parental leave will also result in the use of 12 weeks of FMLA leave.
 - i. When the use of parental leave runs concurrently with STD, 75% of the employee's salary will be paid by STD, and 25% of the employee's salary will be paid by parental leave.

Notice and Certification

- A. If an employee intends to take parental leave upon the birth of the employee's child, the employee must submit the [Parental Leave Request Form](#) to the Office of Human Resources at least 30 days' in advance of the expected date of birth.
- B. If an employee intends to take parental leave based upon the adoption of a child, the employee must submit the [Parental Leave Request Form](#) to the Office of Human Resources at least 30 days' in advance of the adoption if the date of the adoption is foreseeable. If the date of the adoption is not foreseeable, the employee shall request parental leave with the date of adoption as soon as practicable.
- C. If an employee requests parental leave based upon the birth or adoption of a child, the employee shall provide documentation of the birth or adoption within 30 days of the

birth or adoption, or as soon as documentation is available. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption.

- ii. Situations where a legal document cannot be provided at the time of birth or adoption, or within a reasonable time thereafter, will be considered on a case-by-case basis.
- iii. Legal documents that will be considered include a report of birth, a birth certificate, and an adoption order. The documents provided shall show the date of the birth or adoption age of the adopted child, and name of the parent(s).
- iv. An employee's stepchild is not the child of the employee, unless the employee adopts the stepchild.

Exclusions or Exceptions

An employee is not eligible for paid Parental Leave for the placement of foster care children.

Data Reporting

The Office of Human Resources shall record in PHRST the employee's start date and end date of Parental Leave.

Amendment or Repeal of Section 1333

The Board reserves the right to revise or rescind this procedure. If Section 1333 is amended, the procedure will be revised to conform the procedure to the amendment. If Section 1333 is repealed, this procedure is null and void.

FORMS and RELATED RESOURCES

[Family and Medical Leave Act \(FMLA\)](#)

Parental Leave Request Form

[Short-Term Disability Rules and Regulations](#)

Effective Date: April 1, 2019

Revised: August 10, 2023