

Staff Maternity/Paternity/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 BOCES. Final determination of such period including the beginning, duration and end of the period shall be made by the BOCES. Such determination shall be based on information provided by the employee, the employee's physician, the executive director and if deemed necessary, by a physician designated by the BOCES.

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 executive director or designee regarding the pregnancy well in advance of the expected leave so that the BOCES may make appropriate staffing decisions

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 for medical necessity as determined by the employee's or the BOCES'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 BOCES 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 12 weeks 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 BOCES.

In determining whether to grant the leave request, the BOCES will consider any special needs of the child, the staffing needs of the BOCES and any other relevant factors. The BOCES will grant parental leave without regard to the sex of the employee.

The request for leave will be made to the executive director. If the parental leave request is refused by the executive director, the staff member may appeal to the Board.

If the leave period is for an entire school year, notice of intent to return from leave must be given to the BOCES 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.

As long as proper notice has been given of the employee's intent to return to work, the BOCES shall reinstate the employee. 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.

The employee on parental leave may be permitted to substitute at the BOCES-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 BOCES.

**EAST CENTRAL BOCES
BOARD POLICY**

Adopted: June 17, 2015

Revised: January 25, 2017

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.: AC, Nondiscrimination/Equal Opportunity
GBA, Open Hiring/Equal Employment Opportunity