

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 charter school. Final determination of such period including the beginning, duration and end of the period shall be made by the Charter Board or designee based on information provided by the employee, the employee's physician, the administration and if deemed necessary, by a physician designated by the Charter Board or designee.

2. Reinstatement

An employee who has taken leave in accordance with this policy shall be assured reinstatement at the beginning of the first semester following the end of the period of time during which leave is necessary. However, any leave granted shall in no way affect the powers or duties of the Charter Board including but not limited to the nonrenewal of a contract of a probationary teacher.

3. Notice

An employee who becomes pregnant shall be encouraged to notify the administrator or designee regarding the pregnancy well in advance of the expected leave so that the charter school may make appropriate staffing decisions. When an employee is no longer pregnant, she shall notify the administrator or designee of this fact.

4. Benefits

An employee on maternity leave for medical necessity as determined by the employee's or the charter school's physician shall receive pay, insurance and other benefits to the same extent and on the same basis as general leave used for other purposes. Any additional leave granted by the charter school 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 no less than 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 charter school.

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

NOTE: See Waived Policy GBGF-note about numbers of employees.

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

If the leave period is for an entire school year, notice of intent to return from leave must be given to the administrator before April 1 proceeding 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 charter school 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.

The employee on parental leave may be permitted to substitute in the charter school at the approved substitute rate of pay.

Nothing in this policy shall be construed to limit the powers or duties of the Charter Board or administration to make employment decisions for the charter school including but not limited to nonrenewing a contract of a probationary teacher.

Further information regarding Staff Maternity/Paternity/Parental Leave may be found in negotiated agreements.

LEGAL REFS.: 29 U.S.C. 2601 et seq. (Family Medical Leave Act)
42 U.S.C. §2000e-2 (Title VII of the Civil Rights Act of 1964)
C.R.S. 19-5-211 (adoption statute)

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Lake George Charter School