

Parental Leave

Effective Date

Federal law generally took effect August 5, 1993. For employees covered by a collective bargaining agreement, the law becomes effective the date the agreement expires or February 5, 1994, whichever is earlier. State law became effective January 1, 1988.

Coverage

Federal law covers public agencies, including school districts. In order for school employees to be eligible, however, they must be employed at a worksite with 50 or more employees within a 75 mile radius. State law covers school districts that employ 25 or more employees immediately prior to the first day the requested parental leave would begin.

Eligibility

Federal law applies to employees who have worked for the employer for at least 12 months and for at least 1250 hours during the year preceding the start of the leave. State law applies to employees who have been employed 90 calendar days or more immediately prior to the first day of requested leave. It does not apply to those employed on a seasonal or temporary basis for a period of six months or less.

Purpose of Leave

Federal law allows leave for the birth of a child and to care for such a child or for the placement of a child for adoption or foster care. Eligibility for leave under federal law expires 12 months after the birth or placement.

State law allows leave for all or part of the time between the birth of that employee's infant and the time the infant reaches 12 weeks of age or, for the care of a premature infant, the time the infant reaches the developmental stage equivalent to 12 weeks as determined by an attending physician. Leave may also be taken for all or part of the 12 week period following the date the adoptive parent takes physical custody of a newly adopted child under six years of age.

Paid/Unpaid Leave

Parental leave under federal law is generally unpaid. An employee may elect to use accrued paid leave for part or all of the leave period. The district can require the employee to use any accrued sick leave, vacation or personal leave days (or other paid time established by Board policy(ies) and/or collective bargaining agreement) for part or all of the leave period.

Under state law, employees may use any accrued paid leave time including sick leave, for part or all of the leave period. The district can require employees to use any accrued leave time in accordance with Board policy(ies) and/or a collective bargaining agreement.

Length of Leave

An employee eligible under federal law is entitled to a total of 12 work weeks of leave during any 12-month period. A husband and wife who are eligible and who both work for the district may only take a combined total of 12 weeks of leave.

Special rules will apply if leave is requested to be taken near the end of a semester.

An employee eligible under state law is entitled to 12 work weeks of leave for any birth or adoption within the specified timelines and children's ages. A husband and wife who are eligible and who both work for the district may take a combined total of 12 weeks of leave.

When one parent works for another covered employer, the total amount of leave time for both parents shall not exceed twelve (12) consecutive weeks. The district may obtain or require verification of leave time taken by the other parent before acting on the leave request of the parent employed by the district.

Continuation of Health Insurance Benefits

Under federal law, group health insurance benefits and premium payments must be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. The district will continue to pay premiums except for the employee's required contribution when paid leave is used. A 30-day grace period will be allowed for receipt of employee contributions. The district's obligation to maintain the employee's benefits will cease if the employee's contribution is more than 30 days late.

Under state law, benefits are not required to continue or accrue unless required by Board policy(ies) and/or collective bargaining agreement provisions related to paid and unpaid leaves.

Return to Work

After leave, granted under federal law, an employee generally is entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. There are some exceptions.

Special rules will apply if leave is requested to be taken near the end of a semester.

After leave, granted under state law, an employee is entitled to be returned to the same or an equivalent job. If the district's circumstances have so changed that the employee cannot be reinstated to the former or an equivalent job, the employee shall be reinstated to any other position that is available and suitable. There are some exceptions.

Application

Under federal law, an employee must provide the district at least 30 days advance notice before leave is to begin, if the need for the leave is foreseeable. If advance notice is not possible, for example due to a change in circumstances or medical emergency, notice must be given as soon as practicable. "As soon as practicable" means at least verbal notification within one or two business days of when the need for leave becomes known to the employee.

Under state law, the employee must file a request for leave at least thirty (30) days in advance of the date on which the leave is to commence. The request shall contain both the starting and ending dates of the leave. The starting and ending dates may be modified:

1. For unanticipated delivery (actual delivery date v. projected delivery date);
2. For premature birth;
3. For incapacitation due to birth of the child to a greater degree than normal childbirth, as determined by the attending physician;
4. For a change in the date on which physical custody of an adopted child is to commence; or
5. If the employer and employee otherwise agree to alter the dates.

An employee's failure to timely submit the required advance notice or notification of changes requiring modification of starting and ending dates may result in forfeiture of up to three (3) weeks of leave time.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the personnel office.

Recordkeeping

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave, hours/days of leave; copies of general and specific notices to employees, including Board policy and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical certifications will be maintained separately from personnel files as confidential medical records.

Federal vs. State Law

Both federal and state law contain provisions regarding parent leave. Federal regulations indicate the district must comply with both laws; that the federal law does not supersede any provisions of state law that provide greater parental leave rights than those established pursuant to federal law and that federal and state leave entitlements run concurrently. The district shall note when the request for parental leave is made in relation to the actual birth or adoption and the age of the child in order to determine whether to apply federal or state law and regulations. Federal law and regulations govern foster care placement.

PARENTAL LEAVE REQUEST

(CHECK ONE:) 30 day request for parental leave notice 7 day alteration of parental leave request

A. Name of employee _____ SS# _____
(Parent #1)

B. Employer Name _____ Address _____

C. Location and Department _____

D. Date Hired _____ Full time _____ Part time _____

E.1 Expected date of birth of employee child _____
OR

2 Expected date of physical custody of adopted child under 6 _____

F.* Dates of requested leave: from _____ to _____
Start _____ return to work _____
("start" must be within 12 weeks after E-1/E2)
("return" may not be later than 12 weeks after E-1/E-2)
(May not include dates requested by other parent in item K)

G. Name of Employee _____ SS# _____
(Parent #2)

H. Employer Name _____ Address _____
Address _____

I. Location and Department _____

J. Date Hired _____ Full time _____ Part time _____

K.* Dates of requested leave: from _____ to _____
Start _____ return to work _____
("start" must be within 12 weeks after E-1/E2)
("return" may not be later than 12 weeks after E-1/E-2)
(May not include dates requested by other parent in item F)

* May not exceed 12 weeks total from the date in items E-1 or E-2

Signature Parent #1 _____

Signature Parent #2 _____

Date request presented to employer of Parent #1 _____

Date request presented to employer of Parent #2 _____