

Duchesne County School District - Policy Proposal

3.0411.02 Maternity Leave

3.0411.02 Postpartum & Parental Leave

Existing Policy	Proposed Policy
<p>3.0411.02</p> <p>MATERNITY LEAVE (expiration date of June 30, 2025)</p> <p>Maternity Leave is to be used for the mother's recovery and begins at the birth of the child.</p> <ol style="list-style-type: none">1. Employees who qualify for paid leave benefits, and who are members of the Sick Leave Bank, qualify for up to six (6) consecutive calendar weeks of paid Maternity Leave for vaginal birth or up to eight (8) consecutive calendar weeks of paid Maternity Leave for cesarean birth. Maternity Leave begins on the date of the child's birth. Paid Maternity Leave is available only for contract work days listed on the employee's work calendar during the 6 or 8 consecutive calendar weeks following the birth of the child.2. Other District leave options, both paid and unpaid, may also be used for additional leave for the mother's recovery; i.e. Sick Leave, Personal Leave, or FMLA (non-paid leave).3. Maternity Leave runs concurrently with FMLA.4. To access Maternity Leave:<ul style="list-style-type: none">• Benefited employees must be a member of the Sick Leave Bank.• A benefited employee shall repay compensation received for Maternity	<p>3.0411.02</p> <p>POSTPARTUM LEAVE</p> <p>Postpartum Leave is to be used for the mother's recovery and begins at the birth of the child.</p> <ol style="list-style-type: none">Employees who qualify for paid leave benefits, and who are members of the Sick Leave Bank, qualify for up to three (3) consecutive calendar weeks of paid Postpartum Leave and three (3) calendar weeks of Parental Leave.Postpartum Leave begins on the date of the child's birth unless a health care provider certifies that it is medically necessary to begin the leave earlier. The Postpartum Leave must be used in a single continuous period unless prior written authorization otherwise is given by the Superintendent or the human resources director.Paid Postpartum Leave is available only for contract work days listed on the employee's work calendar, following the birth of the child. Other District leave options, both paid and unpaid, may also be used for additional leave for the mother's recovery; i.e. Sick Leave, Personal Leave, or FMLA (non-paid leave).Postpartum Leave runs concurrently with FMLA.To access Postpartum Leave:<ul style="list-style-type: none">Benefited employees must be a member of the Sick Leave Bank.Postpartum Leave and Parental Leave can be used consecutively if the mother chooses, providing six consecutive calendar weeks of leave. Postpartum Leave and/or Parental Leave allowance is not increased if

~~Leave days used if the employee terminates employment with the District for other than medical reasons before completion of the current contract year.~~

5. ~~If the employee has submitted their resignation for the current contract year, the employee is ineligible for Maternity Leave.~~

more than one child is born from the same pregnancy.

- Utah Code § 53G-11-209(2)(a), (c), (4) (2024)
- Utah Code § 63A-17-511(2)(a)(i), (3) (2024)

6. The amount of Postpartum Leave for eligible employees who are part-time is the prorated amount reflecting the amount by which the employee works less than full-time. This leave is additional to and is not charged against any other type of paid leave the employee has.

Utah Code § 53G-11-209(2)(a), (c), (4) (2024)

Utah Code § 63A-17-511(2)(a)(ii), (4) (2024)

PATERNITY LEAVE

~~Benefited employees whose spouse has given birth may request up to five (5) days of paternity leave for newborn baby care. Paternity leave can only be taken during the first four (4) weeks after the birth. All accrued personal days must be used before this paternity leave can be granted.~~

~~Accrued sick leave may be saved for future needs. Costs incurred by this paternity leave will be paid by the employee through a substitute cost deduction in salary.~~

PARENTAL LEAVE

"Parental Leave" means leave hours provided to an employee who is eligible for parental leave.

Utah Code § 53G-11-209(1)(b) (2024)

A "Parental Leave eligible employee" means an employee who accrues paid leave in accordance with District leave policies who is (a) a birth parent, (b) legally adopting a minor child (except when the employee's spouse is the child's pre-existing parent), (c) the intended parent of a child born under a validated gestational agreement under Utah Code Title 78B Chapter 15, Part 8, or (d) appointed the legal guardian of a minor child or an incapacitated adult.

Utah Code § 53G-11-209(1)(c) (2024)

An eligible employee who is full-time may take up to 3 work weeks of paid Parental Leave in a 12-month period, regardless of whether during that 12-month period the parental leave eligible employee: becomes the parent of more than one child; adopts more than one child; has more than one foster child placed in the parental leave eligible employee's care;

or is appointed legal guardian of more than one child or incapacitated adult.

Parental Leave is additional to and is not charged against any other type of paid leave the employee has. The leave cannot be taken before the date of the event making the employee eligible for the leave and must be taken within 6 months following the date of the qualifying event. The leave may not be used on an intermittent basis unless the District and the employee mutually agree in writing to intermittent use or unless a health care provider certifies that intermittent leave is medically necessary due to a serious medical condition of the child to whom the leave relates. This leave runs concurrently with FMLA leave. The leave allowance is not increased if more than one child is born from the same pregnancy, more than one child is adopted, or the employee is appointed as the guardian of more than one child or incapacitated adult.

The amount of Parental Leave for eligible employees who are part-time is the prorated amount reflecting the amount by which the employee works less than full-time.

Utah Code § 53G-11-209(2)(a), (c), (4) (2024)

Utah Code § 63A-17-511(2)(a)(i), (3) (2024)

An eligible employee shall give the District at least 30 days' notice before the date the employee plans to begin using parental leave unless circumstances beyond the employee's control prevent giving the notice. In that case, the employee shall give the notice as soon as reasonably practicable.

Utah Code § 63A-17-511(5) (2024)

Notice of Leave Benefits—

The District shall provide written notice to all employees regarding a qualified employee's right to use postpartum recovery leave and parental leave.

Utah Code § 53G-11-209(2)(d) (2024)