

# Davis Technical College

## Parental Leave and Medical Maternity Leave Policy

Effective Date: 3 December 2020

### 1. Purpose

To provide guidelines for the Davis Technical College (College) employee benefits for parental leave time taken when associated with the birth or adoption of a child, and medical maternity leave time for the birth of a child.

### 2. References

- 2.1. Davis Technical College Family Medical Leave Policy
- 2.2. Davis Technical College Sick Leave Policy
- 2.3. Davis Technical College Vacation Leave Policy
- 2.4. Davis Technical College Leaves of Absence Without Payment Policy
- 2.5. Family and Medical Leave Act of 1993 (FMLA)
- 2.6. Pregnancy Discrimination Act of 1978

### 3. Eligibility

- 3.1. **Employees Eligible** – Full-time (40 hours per week), benefitted, 12-month employees will be considered eligible for the purpose of this policy.
- 3.2. The employee must be a primary caregiver for the newborn child or adopted child. Parental leave is available only for an employee's own child, and cannot be used for grandchildren or other children even if the employee is a de facto parent or legal guardian to that child.
- 3.3. An adopted child must be under the age of six years, or a special needs child under the age of 18. A special needs child is one who is incapable of self-care on a daily basis because of physical or mental disability.

### 4. Parental Leave

- 4.1. **General** – Parental leave benefits are a privilege, where the College provides compensation to employees during time related to the birth or adoption of a child. Parental leave benefits may be granted during qualifying occurrences. Parental leave time does not accrue balances, does not carryover, and is not paid out upon termination.
- 4.2. For the purpose of bonding with or caring for a newborn child or newly adopted child, the eligible employee shall receive 10 days (80 hours) of paid leave.
  - 4.2.1. Parental leave must be used within six months of the birth or adoption of the child. The leave time may be taken in intermittent daily intervals, or in a block of 10 consecutive workdays.
  - 4.2.2. Parental leave may not be used before the birth or actual adoption of the child. Other leave may be used prior to the birth or adoption, but parental leave is only for the purpose of care and bonding with the child after the birth or adoption.

**4.3.** The employee requesting parental leave should give their supervisor at least 30 days advanced notification of their intent, whenever foreseeable.

**4.4.** The College complies with the Pregnancy Discrimination Act. Pregnancy is considered a normal condition and employees are expected to work up to the delivery date, unless a physician provides a written statement indicating that the employee has a medical condition that makes it medically necessary for the employee to be off work in advance of the delivery date.

**4.5. Other Leave Benefit Uses** - Parental leave is offered in addition to any other leave available to the employee.

**4.5.1.** The time taken for parental leave will run concurrently with job-protected leave such as leave pursuant to FMLA leave. FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. Employees who have accrued sick leave, vacation leave, comp-time, or personal leave must apply such leave to any remaining FMLA leave taken beyond the 10 workday parental leave.

**4.5.2.** Application may also be made for certain types of leave without pay under the Family Medical Leave Policy.

**4.5.3.** While on parental leave the employee shall perform no work for the College, or other paid employment.

**5. Medical Maternity Leave** – Medical maternity leave is separate from parental leave. A qualified employee may take parental leave after taking the allowed medical maternity leave.

**5.1. General** – Full-time (40 hours per week), benefitted, 12-month employees who give birth, are eligible for up to four weeks of paid medical maternity leave due to temporary disability and the necessity of recovering from childbirth. Medical maternity leave must be used only in a single block of up to four consecutive weeks, not intermittently. Upon termination, an employee will not be compensated for any unused medical maternity leave.

**5.1.1.** The employee requesting medical maternity leave should give their supervisor at least 30 days advanced notification of their intent, whenever foreseeable.

**5.2.** Medical maternity leave will run concurrently with job-protected FMLA leave. FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. If an FMLA-eligible employee requires more than four weeks for medical recovery from childbirth, the additional leave shall be charged to any remaining FMLA leave in the following order:

1. Parental leave (paid)
2. Accrued sick leave (paid)
3. Comp-time (paid)
4. Personal leave (paid)
5. Accrued vacation leave (paid)
6. Any remaining FMLA leave (unpaid)

**5.2.1.** While on parental leave the employee shall perform no work for the College, or other paid employment.

**6. Right to Amend or Terminate** – The College Board reserves the right to amend or terminate this benefit at any time. In the event that state or federal laws are enacted which define and require the payment of FMLA, parental, or maternity leave, the College will adopt those requirements, which will supersede and replace this policy, and not be in addition to.

**7. Approval and Notes**

Board Approval: 3 December 2020

President's Council Approval: 12 October 2020