
SUBJECT: POSTPARTUM RECOVERY/ PARENTAL LEAVE

I. Board Directive

It is the policy of the Board to allow benefit-eligible employees Postpartum Recovery/Parental ~~Leave~~/Adoption ~~Foster Leave~~ as indicated below, according to [Utah Code 53G-11-209](#).

II. Administrative Policy

A. Definitions

For purposes of this policy, the following definitions apply:

1. Postpartum Recovery Leave: Leave the District provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.
2. Postpartum Recovery Leave Eligible Employee: An employee who:
 - a. Receives benefits, including retirement and paid leave; and
 - b. Gives birth to a child at 20 weeks or greater gestation.
3. Parental Leave: Leave the District provides to a parental leave eligible employee to bond with a child or, in the case of a guardianship appointment, an incapacitated adult, including:
 - a. The birth of the parental leave eligible employee's child;
 - b. The adoption of a child; or
 - c. The appointment of legal guardianship of a child or incapacitated adult.
4. Parental Leave Eligible Employee: An employee who:
 - a. Receives benefits, including retirement and paid leave; and
 - b. Is assuming a parental role with respect to the child or the incapacitated adult for which parental leave is requested; and
 - i. Is the child's biological parent;
 - ii. Is the spouse of the person who gave birth to the child;
 - iii. Is ~~legally adopting the adoptive parent of~~ the child, unless the employee is the spouse of the pre-existing parent;
 - iv. Is the intended parent of the child born under a validated gestational agreement; or
 - v. Is appointed legal guardian of the child or the incapacitated adult;
- ~~5. Adoption Leave: Leave the District provides to an adoptive leave eligible employee.~~
- ~~6. Adoption Leave Eligible Employee: An employee who:
 - a. ~~Receives benefits, including retirement and paid leave; and~~
 - b. ~~Is legally adopting a young child, unless the employee is the pre-existing parent.~~~~
- ~~7. Foster Leave: Leave the District provides to a foster leave eligible employee.~~
- ~~8. Foster Leave Eligible Employee: An employee who:
 - a. ~~Receives benefits, including retirement and paid leave; and~~
 - b. ~~Is the foster parent of a child younger than 18 years old.~~~~
- ~~9. Qualified Employee: An employee eligible for postpartum recovery leave, ~~or~~ parental leave, adoptive leave or foster leave.~~
- ~~10. Qualified leave: Postpartum, parental, adoptive, or foster leave.~~
- ~~11. Child: An individual younger than 18 years old.~~
- ~~5-12. Young child: An individual younger than 6.-~~

SUBJECT: POSTPARTUM RECOVERY/ PARENTAL LEAVE

- B. Employees applying for Postpartum Recovery/Parental/~~Adoptive/Foster~~ Leave must apply in Skyward Employee Access under the provision of [DP322 – Family Medical Leave Act](#).
- C. A ~~postpartum recovery eligible~~~~qualified~~ employee shall receive up to three consecutive ~~work~~-weeks (up to 15 contract days)
1. ~~of p~~Postpartum recovery leave ~~may, to~~ be used beginning on the date of birth unless a health care provider certifies that an earlier start date is medically necessary.
 2. ~~This~~Postpartum recovery leave is in addition to any other leave for which the employee is already eligible.
 3. ~~Postpartum recovery leave runs concurrently with any leave authorized under the Family and Medical Leave Act according to District Policy DP322. Postpartum recovery leave does not increase if the postpartum recovery leave eligible employee has more than one child born from the same pregnancy.~~
 4. Medical exceptions may be given by Human Resources. For more information see policies [DP324 NEG Sick Leave – Licensed](#) and [DP335 NEG Annual Leave – Licensed](#), [DP326 NEG Sick Leave – Education Support Professionals](#), and [DP335B Annual Leave – Education Support Professionals](#).
- D. A ~~parental leave eligible~~~~qualified~~ employee shall receive up to three consecutive ~~work~~-weeks of parental leave (up to fifteen contract days).
1. Parental leave may not be used before the day on which:
 - a. The ~~parental leave eligible~~~~qualified~~ employee’s child is born, ~~unless a health care provider certifies that an earlier start date is medically necessary for postpartum recovery;~~
 - b. The ~~parental leave eligible~~~~qualified~~ employee adopts a child; or
 - c. The ~~parental leave eligible~~~~qualified~~ employee is appointed legal guardian of a child or incapacitated adult.
 2. Parental leave runs consecutively to postpartum recovery leave for an employee utilizing postpartum recovery leave.
 3. Parental leave may only be used within six months after the qualifying date listed in D. 1.
 4. Parental leave may not be used intermittently, unless a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child.
 5. Parental leave runs concurrently with any leave authorized under the Family and Medical Leave Act according to [District Policy DP322](#).
 6. Parental leave does not increase if a qualified employee:
 - a. Has more than one child born from the same pregnancy;
 - b. Adopts more than one child; or
 - c. Is appointed legal guardian of more than one child or incapacitated adult.
 7. A qualified employee may not use more than three consecutive work weeks of parental leave within a contract year or single 12-month period, regardless of whether during that contract year or 12-month period, the qualified employee:

SUBJECT: POSTPARTUM RECOVERY/ PARENTAL LEAVE

- a. Becomes the parent of more than one child;
 - b. Adopts more than one child; or
 - c. Is appointed legal guardian of more than one child or incapacitated adult.
8. A qualified employee may not use both parental leave and foster leave with respect to the same child.

E. An adoption leave eligible employee shall receive up to three consecutive work-weeks of adoption leave (up to fifteen contract days).

- 1. Adoption leave may not be used before the day on which the adoption leave eligible employee adopts the young child.
- 2. Adoption leave may only be used within 6 months after the event listed in E.1.
- 3. Adoption leave may not be used intermittently unless a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child.
- 4. Adoption leave runs concurrently with any leave authorized under the Family and Medical Leave Act according to District Policy DP322.
- 8-5. The amount of adoption leave authorized will not increase if an adoption leave eligible employee adopts more than one young child.
- 6. An adoption leave eligible employee may not use more than six weeks of adoption leave in a 12 month period.
- 7. A qualified employee may not use both adoption leave and foster leave with respect to the same young child.

F. A foster leave eligible employee shall receive up to four work-weeks of foster leave (up to 20 contract days).

- 1. Foster leave may not be used before the day on which a child is placed in foster care with the foster leave eligible employee.
- 2. Foster leave may only be used within 6 months after the event listed in F.1.
- 3. Foster leave may not be used after the child is no longer placed in foster care with the foster leave eligible employee.
- 4. Foster leave may be used intermittently; and
- 5. Foster leave runs concurrently with any leave authorized under the Family and Medical Leave Act according to District Policy DP322.
- 6. The amount of foster leave does not increase if a foster leave eligible employee has more than one child placed in foster care with the foster leave eligible employee.
- 7. A foster leave eligible employee may not use more than four work weeks of paid foster leave within a single 12-month period, regardless of whether during that 12-month period more than one child is placed in foster care with the foster leave eligible employee.
- 8. If a child is placed in foster care with two foster care eligible employees, the foster leave eligible employees are entitled to use a single four-work-week period of paid foster leave under this section, which the employees may allocate between themselves.
- 9. A qualified employee may not use both foster leave and parental leave with respect to the same child.

SUBJECT: POSTPARTUM RECOVERY/ PARENTAL LEAVE

10. A qualified employee may not use both foster leave and adoption leave with respect to the same young child.

F.G. Postpartum recovery, ~~/parental, adoption and foster~~ leave compensation

1. A qualified employee shall be paid for contract days which the employee would otherwise have been under contract to work during the postpartum recovery, ~~or~~ parental, adoption or foster leave, but shall not be paid for non-contract days occurring during the leave.
2. A qualified employee will not be compensated for any unused postpartum recovery, ~~or~~ parental, adoption or foster leave.

F.H. A qualified employee shall provide the District notice at least 30 days before the day on which the qualified employee plans to:

1. Begin using postpartum recovery, ~~or~~ parental, adoption or foster leave-leave; and
2. Provide a schedule of anticipated leave dates.
- 2.3. If circumstances beyond the qualified employee's control, including an emergency foster placement, prevent the qualified employee from giving this notice, the qualified employee shall provide this notice as soon as reasonably practicable.

~~G. The adoptive parent employee may decide to waive using parental leave in consideration for using other leave in DP324 NEG Sick Leave – Licensed or DP326 NEG Sick Leave – Education Support Professionals.~~

H.I. The District:

1. May not interfere with or otherwise restrain a qualified employee from using postpartum recovery or parental leave; or
2. Take retaliatory action against a qualified employee for using postpartum recovery or parental leave.

H.J. The District shall provide each employee with information regarding the qualified employee's right to use postpartum recovery and parental leave.

J.K. Questions about how this policy applies to an individual family situation should be referred to Human Resources.