

PARENTAL LEAVE

EFFECTIVE June, 2015

Parental Leave Policy

Effective April 7, 2015, this policy replaces the Arlington Public Schools' (the "District") Maternity/Paternity Leave Policy.

Employees may be eligible for leave pursuant to the federal Family Medical Leave Act ("FMLA") and/or leave pursuant to Massachusetts General Laws, chapter 149 section 105D referred to as the Massachusetts Parental Leave Act ("MPLA") for the birth of a child and for the adoption, foster care, or placement of a child with the employee. Employees may be required to furnish the District with appropriate supporting documentation and prior notice.

It is the intent of the District that this policy conforms to the requirements of the FMLA and MPLA. If there are any omissions or conflicts between this policy and the MPLA or the FMLA, the provisions of the MPLA and FMLA shall be controlling. If the terms of this policy conflict with the terms of an applicable collective bargaining agreement ("CBA"), the terms in the applicable CBA shall be controlling provided that they do not diminish any rights or benefits provided by the FMLA and MPLA.

As is the case with other employees, a pregnant employee must be able to perform the essential functions of her position to continue working in a full-duty status.

Massachusetts Parental Leave Act (MPLA)

I. Purpose for Leave

The MPLA entitles an eligible employee to take up to eight (8) weeks leave without pay each time any one of the following occurs:

- A. The birth of the employee's child; or
- B. The adoption by the employee of a child under 18 years of age; or
- C. The adoption by the employee of a child under 23 years of age if the child is mentally or physically disabled; or
- D. The placement of a child with an employee pursuant to a court order.

Employees may use accrued paid leave to the extent permitted by the MPLA and any applicable CBA.

II. Coverage and Eligibility

To be eligible for MPLA, a female or male employee must have been employed by the District for at least three consecutive months on a full-time basis. An employee who has twins, triplets, or other multiple births shall be entitled to a total of eight (8) weeks of leave for the births as the leave for each baby in a multiple birth situation runs concurrently with the leave for the other baby or babies. Where both parents are employees of the District, one employee, who is usually the birth mother but may be another primary parent, shall be entitled to eight (8) weeks of parental leave and the second employee shall be entitled to two (2) weeks of parental leave, allowing both parents a total of ten (10) weeks in the aggregate for the birth, adoption, or placement of the same child.

Family Medical Leave Act (FMLA)

I. Purpose for Leave

The FMLA provides eligible employees with up to twelve (12) weeks of unpaid leave for the:

- A. Birth of the employee's child and to care for the newborn child.
- B. Placement with the employee of a child under the age of 18 (or over the age of 18 if the child is physically or mentally incapable for self-care) for adoption or foster care and to care for such newly placed child.

The District requires employees on FMLA leave to use accrued paid leave to the extent permitted by the FMLA and any applicable CBA. *(See the District's FMLA policy for additional information regarding FMLA leave.)*

II. Coverage and Eligibility

To be eligible for FMLA leave the employee must have worked for the District for at least twelve (12) months and have worked at least 1,250 hours during the previous 12-month period. When both parents are employees of the District, the employees shall only be entitled to twelve (12) weeks of FMLA leave in the aggregate for the birth, adoption, or placement of a child.

Employees are referred to the District's FMLA policy for information regarding eligibility, notice requirements, and other important information about FMLA leave. When an employee is eligible for both FMLA and MPLA leave, the leaves shall run concurrently.

Notice Requirements for Leave

The employee is required to provide the District with thirty (30) days' prior notice of the employee's need for FMLA leave and the date of the employee's anticipated departure if the leave is foreseeable. While the District requests that the employee provide thirty (30) days' prior notice of the employee's anticipated date of departure, for MPLA leave an employee is required to provide two weeks' written notice in the event of a foreseeable MPLA leave. If there is a delay in providing notice for MPLA leave beyond the employee's control, the employee must provide notice as soon as practicable. The employee should include in this notice the employee's anticipated date of departure, a statement that the employee intends to return to the employee's position, and the anticipated date that the employee will be returning to her/his position.

Job Protection and Benefits

Job Protection: Provided that the employee returns to work at the conclusion of her/his MPLA leave or FMLA leave, the District will restore the employee to her/his previous or similar position except when other employees with equal length of service and status in the same or a similar position have been laid off due to economic conditions or other changes in operating conditions.

Health Insurance: During this period of leave, health insurance coverage will continue in accordance with state and federal law. The employee remains responsible for her/his portion of the premiums during any leave under the MPLA or FMLA. Questions regarding health insurance during MMLA, FMLA leave, or any unpaid leave should be directed to Robert Spiegel Human Resources Officer.

Other Benefits: Other benefits will resume as of the date the employee returns to full-time employment. This leave will not affect the employee's rights to receive vacation time, sick time, or other benefits for which the employee was eligible at the date of her/his departure but the employee shall not receive serviceable time toward the accrual of benefits requiring time on the job or a period of employment seniority for any period of unpaid leave.

Use of Paid Leave Time

To the extent permitted by the FMLA and MPLA and except as provided otherwise in an applicable CBA, an eligible employee who is the birth mother or primary parent may use accrued paid leave time, up to a total of eight (8) weeks, during the first eight (8) weeks immediately following the birth or adoption/placement of a child. Use of sick leave beyond the eight weeks from the birth or adoption/placement of the child shall require physician documentation that the birth mother or primary parent is disabled from working. The second parent may use accrued paid time, up to a total of two (2) weeks, following the birth or adoption/placement of a child. Nothing in this section shall limit an employee's right to take FMLA leave for the birth/adoption/foster care placement of a

child within the first year and not necessarily commencing with the date of such birth/adoption/foster care placement.

Nothing in this section shall require a birth mother or primary parent to take the full eight (8) weeks of MPLA or the full twelve (12) weeks of FMLA.

Forms to Request FMLA and/or MPLA

Forms to request parental leave pursuant to the MPLA and/or FMLA are available in the District's Human Resources Office. Questions about parental leave should be directed to Robert Spiegel, Human Resources Officer.

Special Rules

Please refer to the District's FMLA Policy ("Special Rules" section) for rules applicable to instructors in periods near the conclusion of an academic term and other rules applicable to Parental Leave.

LEGAL REFS.: An Act Relative to Parental Leave , G.L. c. 149, § 105D
 P.L. 103-3 "Family and Medical Leave Act of 1993,"
 29 U.S.C. section 2601, et seq.
 Department of Labor Regulations, 29 C.F.R. Part 825

CROSS REFS File GCCC, Family and Medical Leave Act

Adopted and Approved by the Arlington School Committee June 11, 2015