

**WOODFORD COUNTY BOARD OF EDUCATION
AGENDA ITEM**

ITEM #: **DATE:** July 17, 2024

TOPIC/TITLE: Paternity Leave Policies

PRESENTER: Garet Wells *GW*

ORIGIN:

- TOPIC PRESENTED FOR INFORMATION ONLY (No board action required.)
- ACTION REQUESTED AT THIS MEETING
- ITEM IS ON THE CONSENT AGENDA FOR APPROVAL
- ACTION REQUESTED AT FUTURE MEETING: (DATE)
- BOARD REVIEW REQUIRED BY

- STATE OR FEDERAL LAW OR REGULATION
- BOARD OF EDUCATION POLICY
- OTHER:

PREVIOUS REVIEW, DISCUSSION OR ACTION:

- NO PREVIOUS BOARD REVIEW, DISCUSSION OR ACTION
- PREVIOUS REVIEW OR ACTION

- DATE:
- ACTION:

BACKGROUND INFORMATION:

Board policy 01.5 states, in part, "Except when indicated by an emergency situation, the Board will not enact or revise policy in the same meeting that it is initially introduced. Additional readings shall not be required if the Board amends the policy proposal under consideration at either the first or second reading.

SUMMARY OF MAJOR ELEMENTS:

Requesting the Board enact the parental leave policy under emergency status. This will allow the implementation of parental leave to be available for staff members as they return from summer break.

IMPACT ON RESOURCES:

TIMETABLE FOR FURTHER REVIEW OR ACTION:

SUPERINTENDENT'S RECOMMENDATION: Recommended Not Recommended

Dary Berg

- CERTIFIED PERSONNEL -

Parental Leave and Other Leaves of Absence

PAID PARENTAL LEAVE

Eligible employees are entitled to take up to twenty-five (25) days of paid parental leave for the purpose of recovering from childbirth or caring for or bonding with the employee's child following birth (including birth via surrogacy arrangement) or adoption. Parental leave under this policy begins on the date of the child's birth or adoption and must be taken all at once.

ELIGIBILITY

Full-time personnel that have worked for the Board for more than six (6) months are eligible for paid parental leave under this policy.

Parental leave is granted for the sole purpose of recovering from childbirth or caring for or bonding with the child. As a result, surrogate mothers and sperm donors are not eligible for parental leave under this policy. Additionally, parental leave is not available for adoption of a stepchild by a stepparent or similar circumstance unless otherwise required by federal, state or local law.

NOTIFICATION AND DOCUMENTATION REQUIREMENTS

Eligible employees must provide advance written notice of their intent to take parental leave to the Superintendent/Designee when the child's birth or adoption is foreseeable. When possible, employees must provide at least ninety (90) days' notice to provide sufficient time to review the needs of the District and secure adequate replacement. In addition, employees must provide all documentation requested by the Board to substantiate their need for parental leave. The Board reserves the right to deny any request for parental leave if an employee fails to timely submit the notification required by this policy or any other documentation requested by the Board.

Employees on paid parental leave shall notify the Superintendent/Designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

AMOUNT AND DURATION OF PARENTAL LEAVE

Parental leave under this policy includes up to twenty-five (25) days of paid leave. For purposes of this policy, parental leave only counts on contracted workdays in which the employee is regularly scheduled to work. If a holiday or other non-instructional day (including but not limited to Fall Break, Spring Break and summer break) occurs during an employee's parental leave, parental leave days will not be deducted on any non-instructional days on which the employee was not scheduled to work.

Eligible employees are entitled to one parental leave under this policy once every two years of active employment, regardless of the number of births or adoptions. This two-year period starts on the first day an eligible employee begins parental leave. Employees may request parental leave for the birth or adoption of a child that occurs prior to the second anniversary of a previous parental leave but will not be permitted to take any paid

parental leave days under this policy until the full two-year period has run since the prior leave of absence. In the event twenty-five contract days have not elapsed following the second anniversary of an eligible employees' prior parental leave, the eligible employee may take the balance of the initial twenty-five parental leave days that are remaining following the second anniversary of the previous parental leave. Employees who have more than one birth or adoption in two years may be eligible for other leave pursuant to other Board policies or applicable state or federal law.

Employees on parental leave shall be entitled upon return to a comparable position for which they are qualified. However, placement in the same position or the same school cannot be guaranteed.

For employees who qualify for FMLA, or any other leave related to birth or adoption, all leave shall run concurrently.

Any parental leave days that are not used by an eligible employee within the first twenty-five contract days following the child's birth or adoption will be forfeited, without pay, and cannot be transferred into sick leave, personal leave, or any form of leave or compensation. Parental leave terminates upon separation of employment for any reason. No payout of approved but unused parental leave will occur upon separation of employment, regardless of the reason for such separation.

Parents who are both active employees of the District and eligible for parental leave may take parental leave.

NO DISCRIMINATION OR RETALIATION

No employee will be subject to any adverse employment action based upon the exercise of any rights under this policy or applicable law. The request for or use of parental leave will not negatively impact or cause any adverse employment actions.

FURTHER INFORMATION

The Board may terminate paid parental leave under this policy and take disciplinary action, up to and including termination, against an employee that takes parental leave for purposes other than those described in this policy.

The Board reserves the right to modify or terminate this policy, in whole or in part, in any manner determined by the Board.

PAID SICK LEAVE

In addition to parental leave, employees that are prevented from performing assigned duties because of childbirth and recovery therefrom may be entitled to sick leave benefits as provided in Board Policy 03.1232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232 and may also constitute a serious health condition under the FMLA as addressed in Board Policy 03.1232.

An employee may use up to thirty (30) additional days of sick leave following the birth, adoption, or placement of a child in foster care. Additional sick leave days may be used when the need is verified by appropriate medical documentation.

ADDITIONAL UNPAID LEAVE

Additional unpaid leave may be available following the birth, adoption or placement of an employee's child in foster care. In particular, an employee that adopts a child under the age of ten (10) may request additional unpaid time off in writing.

On written request, the parent of a newborn or the employee who adopts a child, or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurred. Thereafter, leave may be extended in increments of no more than one (1) year. In accordance with applicable law, the Board reserves the right to request medically necessary documentation when considering a leave request.

FMLA

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks for unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

REFERENCES:

KRS 161.155; KRS 161.770
OAG 80-151; OAG 84-43; OAG 86-66
Family and Medical Leave Act of 1993

RELATED POLICIES:

03.123
03.1232
03.12322

- CLASSIFIED PERSONNEL -

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Employees on paid parental leave shall notify the Superintendent/Designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

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