# Draft 7/24/24, Revision #2

# PERSONNEL BA03.1233

‑ Certified Personnel ‑

Parental Leave

Paid Parental Leave

Eligible employees are entitled to take up to thirty (30) school days of paid parental leave for the purpose of recovering from child birth or caring for or bonding with the employee’s child following birth or adoption, without having to use their sick, personal, emergency, vacation and/or non-contract days. This leave would start on the first day after the birth of the child 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 thirty (30) 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.

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Parental Leave

**Amount and Duration of Parental Leave (continued)**

Eligible employees are entitled to one parental leave under this policy once every fiscal year of active employment, regardless of the number of births or adoptions. This 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 fiscal year of a previous parental leave but will not be permitted to take any paid parental leave days under this policy until the fiscal year period has run since the prior leave of absence. In the event thirty (30) 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 thirty (30) parental leave days that are remaining following the second anniversary of the previous parental leave. Employees who have more than one (1) birth, adoption or placement in a fiscal year 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 thirty (30) 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.

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Parental Leave

FMLA

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of 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.

Extending Beyond Family and Medical Leave

Any employee who was eligible and/or granted up to twelve (12) weeks of paid or unpaid leave for one of the following reasons would be eligible for an extended paid leave (if have the accrued sick day / vacation days/ non-contract days) or unpaid leave:

1. Care for the employee's child after birth or placement for adoption or foster care.
2. To care for the employee's spouse, child or parent who has a serious health condition; or
3. Due to a serious health condition that makes the employee unable to perform the employee's job.

The amount of leave granted would depend on when the qualifying event occurred, and when leave was requested as follows:

1. Event and request happen on staff opening day through March 31st, employee would be eligible for leave during this period of time through the end of the current school year but would be expected to return to work at the start of the following school year.
2. Event and request happen April 1st and prior to staff opening day the following year, employees will be able to request leave for the remainder of the current school year and the entire following school year.

No employee will be able to request a leave of absence beyond the above-mentioned amount of time.

Request for Medical Information

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

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