

1 Maternity Leave and Paternity Leave

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3 The School District’s maternity leave policy covers employees who are not eligible for FMLA
4 leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to
5 adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous
6 absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related
7 complications.

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9 The School District shall not refuse to grant an employee a reasonable leave of absence for
10 pregnancy or require that an employee take a mandatory maternity leave for an unreasonable
11 length of time. The School District has determined that maternity leave shall not exceed 12
12 weeks unless mandated otherwise by the employee’s physician. Employees will be required to
13 use appropriate accumulated paid leave concurrently while on FMLA leave.

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15 The School District shall not deny to the employee who is disabled as a result of pregnancy any
16 compensation to which the employee is entitled as a result of the accumulation of disability or
17 leave benefits accrued pursuant to plans maintained by the employer, provided that the employer
18 may require disability as a result of pregnancy to be verified by medical certification that the
19 employee is not able to perform employment duties.

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22 An employee who has signified her intent to return at the end of her maternity leave of absence
23 shall be reinstated to her original job or an equivalent position with equivalent pay and
24 accumulated seniority, retirement, fringe benefits, and other service credits.

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26 The School District will review requests for Paternity Leave in accordance with any applicable
27 policy or collective bargaining agreement provision governing use of leave for family purposes.

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29 Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers
30 § 49-2-311, MCA Reinstatement to job following pregnancy-related
31 leave of absence
32 Admin. R. Mont. 24.9.1201—1207 Maternity Leave

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35 Legal Reference:

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37 Policy History:
38 Adopted on: March 2020
39 Revised on:

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41 *Revision Note:*