



4000-Employees 74 - Paid Parental Leave Policy

1. Purpose

- 1.1. It is the purpose of this for Providence Hall Charter (PHCS) to recognize that employees may need to be absent from work immediately following the birth, adoption, or foster placement of a child, or due to a pre/post pregnancy-related disability or complication.
- 1.2. The Board of Trustees (Board) authorizes the PHCS Administration to develop appropriate guidelines, procedures, protocols, and processes for this policy.

2. Definitions

- 2.1. **Domestic partner** means an unrelated individual of the same-sex or opposite-sex with respect to when the employee submits an affidavit of domestic partnership to the Employer. The affidavit must include the following statements:
 - 2.1.1. both partners are at least eighteen (18) years of age;
 - 2.1.2. both partners have shared a residence for at least the thirty-six (36) months immediately preceding enrollment and intend to do so indefinitely;
 - 2.1.3. each partner is the other's sole domestic partner;
 - 2.1.4. neither partner is legally married to anyone;
 - 2.1.5. the partners are not related by blood closer than would bar marriage in the state in which they live; and
 - 2.1.6. both partners are legally competent to contract.
- 2.2. **Eligible employee** is an employee of PHCS who
 - 2.2.1. has been employed for at least twelve (12) months by PHCS;
 - 2.2.2. has worked at least 1,250 hours during the previous twelve month (12) period immediately prior to the commencement of any paid parental leave requested under this policy; and
 - 2.2.3. are eligible for paid time off (PTO) benefits.
- 2.3. **FMLA eligible employees** means employees who are eligible for leave under the Family and Medical Leave Act (FMLA) as set forth in the *Family and Medical Leave Policy*.
- 2.4. **Health care provider** means:
 - 2.4.1. doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
 - 2.4.2. any person determined by the secretary of labor to be capable of providing health care services.
- 2.5. **Immediately following** means the first expected work day for the employee after the birth of a child/children or the placement of a child/children for adoption or foster care.
- 2.6. **Spouse** is defined in accordance with applicable Utah State law.
- 2.7. **Workweek** is defined as the current number of days and/or hours an eligible employee works per week at the time paid parental leave is requested.

3. Entitlement to Paid Parental Leave

- 3.1. An eligible employee are entitled to four (4) consecutive full workweeks of paid parental leave in the event of any of the following:
 - 3.1.1. To care for a child/children of an eligible employee immediately following the birth of the child/children.



- 3.1.2. To care for a child/children of an eligible employee immediately following the placement of child/children for adoption or foster care; or
 - 3.1.3. To care for a spouse or domestic partner of an eligible employee with a pregnancy-related disability or pre/post pregnancy-related complication immediately prior to/after giving birth, defined as the four (4) full workweeks prior to the mother's medically given due date, or the four (4) full workweeks immediately after giving birth. Medical certification may need to be submitted to PHCS.
 - 3.1.3.1. **Required Medical Certification**
 - 3.1.3.1.1. A certificate is sufficient if it states:
 - 3.1.3.1.1.1. the date on which the serious health condition commenced;
 - 3.1.3.1.1.2. the probable duration of the condition;
 - 3.1.3.1.1.3. the appropriate medical facts regarding the condition; and
 - 3.1.3.1.1.4. a statement that the serious medical condition prevents the eligible employee from performing the essential tasks of the applicable employment position or that it requires the eligible employee to attend and care for an eligible family member.
 - 3.1.3.1.2. PHCS may require, at its option and expense, second, or third certifications in support of a request for FMLA unpaid leave. The opinion of any third certification shall be considered to be final and shall be binding on PHCS and the eligible employee.
 - 3.1.4. The eligible employee has a pre/post pregnancy-related disability or complication immediately prior to/after giving birth, defined as the four (4) full workweeks prior to the mother's medically given due date, or the four (4) full workweeks immediately after giving birth.
 - 3.1.4.1. Medical certification may need to be submitted to PHCS.
 - 3.1.4.1.1. **Required Medical Certification**
 - 3.1.4.1.1.1. A certificate is sufficient if it states:
 - 3.1.4.1.1.1.1. the date on which the serious health condition commenced;
 - 3.1.4.1.1.1.2. the probable duration of the condition;
 - 3.1.4.1.1.1.3. the appropriate medical facts regarding the condition; and
 - 3.1.4.1.1.1.4. a statement that the serious medical condition prevents the eligible employee from performing the essential tasks of the applicable employment position or that it requires the eligible employee to attend and care for an eligible family member.
 - 3.1.4.1.1.2. PHCS may require, at its option and expense, second, or third certifications in support of a request for FMLA unpaid leave. The opinion of any third certification shall be considered to be final and shall be binding on PHCS and the eligible employee.
 - 3.1.4.2. The eligible employee has a pre/post pregnancy-related disability or
- 3.2. Paid parental leave will not be deducted from any PTO balance.



4. **Family and Medical Leave (FMLA)**
 - 4.1. Additional days of leave may be taken by FMLA eligible employees as provided in the *Family and Medical Leave Policy*.
 - 4.2. For FMLA eligible employees, paid parental leave shall run concurrently with an employee's available FMLA unpaid leave.
5. **Short-term Disability**
 - 5.1. Short-term disability insurance is also available for pre/post pregnancy-related disabilities or complications.
 - 5.2. Please see Human Resources for information about short-term disability insurance, including eligibility requirements.
6. **Spouses or Domestic Partners Employed by PHCS**
 - 6.1. In any case where both spouses or domestic partners are PHCS eligible employees, and both seek paid parental leave under this policy, such paid parental leave shall be limited to an aggregate four (4) consecutive workweeks.
 - 6.2. Beyond paid parental leave as outlined in this policy, both spouses or domestic partners continue to be entitled to FMLA unpaid leave if they are FMLA eligible employees.
7. **Limitations**
 - 7.1. Paid parental leave may only be used one time during a twenty-four (24) month look back period.
8. **Return to Work Requirement**
 - 8.1. Any employee receiving paid parental leave under this policy shall commit to a minimum of thirty (30) calendar days of employment to PHCS after the end of his/her paid parental leave or shall pay the entire sum of the salary/pay, plus the entire sum of benefits paid during the paid parental leave to PHCS.
9. **Providing Advanced Notice**
 - 9.1. Employees are required to provide advance *written* notice to their supervisor or building Administrator AND Human Resources of their request for paid parental leave that INCLUDES a date of when the leave is requested to begin.
 - 9.2. At least thirty (30) days notice is the usual standard for prior notice of paid parental leave.
 - 9.3. If thirty (30) days notice is not possible *because of medical necessity or for other unavoidable reasons*, the employee should give as much advance notice as possible.
 - 9.4. Arrangements for a substitute during leave must be coordinated with the building Administrator AND Human Resources.
10. **Benefits During Leave**
 - 10.1. During paid parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents, in accordance with applicable law.
 - 10.2. For all other benefits, an employee on paid parental leave receives the same rights and benefits as employees on a paid leave of absence.
11. **Reemployment**
 - 11.1. An employee's job will be held for him/her in accordance with applicable law while (s)he is on paid parental leave.
 - 11.2. If an employee is on required leave due to a pre/post pregnancy-related disability or complication, when that employee is able to return to work, that employee *must submit* a medical certification for return.



11.2.1. **Required Medical Certification for Return**

- 11.2.1.1. The certificate shall be provided at least seven (7) calendar days before the requested return date.
 - 11.2.1.2. A certificate is sufficient if it states:
 - 11.2.1.2.1. the eligible employee is medically fit to return to work in the previous position;
 - 11.2.1.2.2. the appropriate medical facts regarding the eligible employee's fitness to return to work; and
 - 11.2.1.2.3. a statement that the serious medical condition no longer prevents the eligible employee from performing the essential tasks of the position.
 - 11.2.1.3. PHCS may require, at its option and expense, second or third certification in support of a request to return to work. The opinion of any third certification shall be considered to be final and shall be binding on PHCS and the eligible employee.
- 11.3. An employee's continued absence from work beyond required leave due to a pre/post pregnancy-related disability or complication as determined by a physician, and exhaustion of all other leave, may be deemed a voluntary abandonment of job.
- 11.4. Nothing in this policy requires PHCS to re-employ individuals who are not eligible for reemployment rights under applicable law.



FOR REFERENCE THIS IS THE CURRENT POLICY THAT WAS EMBEDDED IN THE EMPLOYEE HANDBOOK

Paid Pregnancy and Parental Leave Policy

1. Administration of this Policy

- 1.1. Human Resources is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about pregnancy or parental leave that are not addressed in this policy, please contact Human Resource.

2. Procedures

- 2.1. If you need to take parental leave for the birth of your child or to care for a new adopted or foster child, you should provide advance notice to your Immediate Supervisor or Human Resources.
- 2.2. When possible, you should give at least thirty (30) days notice of your request for leave. If thirty (30) days notice is not possible because of medical necessity or for other reasons, you should give as much advance notice to PHCS as possible.
- 2.3. Written notice is preferred but not required.
- 2.4. If you are suffering from a pregnancy related disability and require reasonable accommodation (which may include leave) for this purpose, please speak with Human Resources to discuss a reasonable accommodation. You may be required to submit medical certification of your pregnancy related disability.

3. Eligibility Requirements

- 3.1. Employees are eligible for four (4) weeks of paid pregnancy/parental leave if:
 - 3.1.1. They have worked for PHCS for at least twelve (12) months (which need not be consecutive).
 - 3.1.2. Have worked over 1,250 hours over the twelve (12) months preceding the leave.
- 3.2. Please contact Human Resources with any questions about your eligibility for Pregnancy/Parental Leave.
- 3.3. If both parents are employees, only one may access the paid benefits of this policy. Both, however, continue to be entitled to family and medical leave if eligible.

4. Compensation During Leave

- 4.1. During pregnancy and parental leave, employees will continue to be paid their PHCS normal rate of pay for up to four (4) weeks (or 20 days).
- 4.2. Employees may also use any or all of their accrued but unused vacation or other paid time off during their pregnancy and parental leave.
- 4.3. Short term disability insurance is also available for pregnancy leave. Please see Human Resources for information about short-term disability insurance, including eligibility requirements.

5. Benefits During Leave

- 5.1. During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law.
- 5.2. For all other benefits, an employee on pregnancy or parental leave will receive the same rights and benefits as employees on a paid leave of absence.

6. Reemployment

- 6.1. Your job will be held for you in accordance with applicable law while you are on pregnancy or parental leave.
- 6.2. If you are on pregnancy-related disability leave, when you are able to return to work, you must submit a doctor's certification stating that you are medically able to return



- to your normal duties.
- 6.3. Your continued absence from work beyond your required disability leave period (as determined by your physician) and exhaustion of all other leave may be deemed a voluntary abandonment of your job.
 - 6.4. Nothing in this policy requires PHCS to re-employ individuals who are not eligible for reemployment rights under applicable law.