

Maternity Leave

Leave for maternity purposes may be taken in one of the following three ways:

- 1.0 A discretionary leave of absence for maternity purpose (Maternity Leave).
- 2.0 Sick leave for maternity purposes.
- 3.0 Combining maternity leave and sick leave for maternity purposes.

Whichever option is chosen by the employee, the following rules shall apply:

1.0 Maternity Leave

- 1.1 Maternity leave is provided female employees who choose to be absent from their duties because of pregnancy or convalescence following childbirth.
- 1.2 The employee shall give notice of pregnancy to her school principal and/or the district office, together with the expected due date, and a physician's certificate verifying the pregnancy. This shall be done early in the pregnancy as possible.
- 1.3 The employee shall, at the earliest date possible, in no event later than four weeks prior to the actual commencement of maternity leave, advise her school principal and/or the district office of the date on which she will commence maternity leave. She shall not continue to work beyond such date. She may commence maternity leave at an earlier date only if she becomes physically incapable of performing her duties, when certified by her physician.
- 1.4 An employee who has commenced maternity leave shall not return to her duties until after her delivery or the pregnancy is otherwise terminated. She shall submit a notice of intent to return four weeks prior to resuming her position, request an extension of leave, or submit a resignation if not returning.

She may return to her duties as soon after delivery or termination of pregnancy as she can provide a written statement, signed by her physician, certifying that she is physically and medically able to return to full-time employment. Maternity leave for a prior pregnancy shall not be resumed after having returned to full-time employment.

- 1.5 The maternity leave shall not exceed one year.

Employees commencing maternity leave prior to the sixth school month shall return to work no later than the following September.

Employees commencing maternity leave after the fifth school (January) month shall return to work no later than the following January.

- 1.6 Maternity leave shall be without pay.

- 1.7 Sick leave may not be taken during the period of time an employee is on maternity leave, unless the sick leave is for the condition of pregnancy, a sickness arising out of pregnancy, or the recovery from childbirth.

2.0 Use of Sick Leave for Maternity Purposes

- 2.1 Sick leave may not be taken during the period of time the employee is on maternity leave, unless the reason is an incapacity to perform work due to the condition of pregnancy, a sickness arising out of pregnancy, or the recovery from childbirth.

- 2.2 An employee may apply for paid sick leave due to pregnancy when she provides verification by her physician that she is no longer able to work due to the condition of pregnancy, a pregnancy related illness, or the recovery from childbirth.

- 2.3 Paid sick leave for maternity purposes shall begin at the date the physician determines that continued fulfillment of her duties would be detrimental to her health or that of the unborn child. Paid sick leave shall terminate on the date the employee's physician determines that she is physically able to resume her normal duties.

- 2.4 Should the length of pregnancy related sick leave exceed her accrued number of sick leave days, the employee will be entitled to reduced pay sick leave in accord with Education Code section 45196 (classified) and 44983 (certificated). Such reduced pay sick leave shall continue only as long as the employee remains physically unable to perform her normal duties as verified by physician or the statutory limit granted pursuant to the applicable Education Code section is reached.

3.0 Combining Maternity Leave and Sick Leave for Maternity Purposes

Nothing in section 1.0 or 2.0 above shall prevent an employee from combining maternity leave and sick leave for maternity purposes for the same pregnancy. The employee shall designate, prior to the first day of either type of leave, which days of absence shall be taken as maternity leave and which days shall be taken as sick leave.

4.0 Additional Leaves Related to Pregnancy:

4.1 Child care or child rearing leave is available and may be requested as a Personal Leave Without Pay in accord with Board Policy 6605.1 (Certificated) or Personnel Commission Rule 60.400.13.

4.2 For personal tragedies related to pregnancy, a Tragedy Personal Necessity Leave may be applied for in accordance with Board Policy 6605.7 (certificated) or Personnel Commission Rule 60.400.10B.

Legal References:

Education Code Sections:

44965 Granting of Leaves of Absence For Pregnancy and Childbirth

44978 Provisions For Sick Leave of Certificated Employees (The Right to Use Sick Leave For Maternity Purposes)

44983 Exception to Sick Leave When District Adopts Specific Rule.

45191 Leave of Absence For Illness or Injury

45193 Leaves of Absence For Pregnancy

45196 Additional Leave For Non-Industrial Accident or Illness,
Reemployment Performance

45261 Subjects of Personnel Commission Rules Personnel Commission
Rule

60.400.13 Leave of Absence Without Pay

60.400.10B Tragedy Personal Necessary Leave

60.400.2 Paid sick leave Pregnancy Discrimination Act

42 USC Section 2000e (k)

California Federal Savings & Loan vs. Guerra 93L Ed 2d 613 (1987)

Board of Trustees

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