

SMYRNA SCHOOL DISTRICT

District Policy

Article: 4000 Personnel

Title: Paid Parental Leave for Birth or Adoption of a Child

Policy #: 4153

PAID PARENTAL LEAVE FOR BIRTH OR ADOPTION OF A CHILD

1. Purpose

The purpose of this policy is to provide guidelines under which full-time employees may exercise their right to take paid parental leave upon the birth or adoption of a child pursuant to Section 1333 of Title 14 of the Delaware Code (“Section 1333”).

2. Definitions

- a. **Full-time employee** means a full-time State pension eligible employee employed by a reorganized school district, charter school, or vocational school district for at least 12 consecutive months in a 9 month, 10 month, 11 month, or 12 month position requiring that the employee work 30 or more hours during a standard workweek.
- b. **12 weeks of paid parental leave** means 60 scheduled workdays excluding holidays and scheduled non-workdays.
- c. **The District** refers to the Smyrna School District.
- d. **Intermittent leave** is leave taken in separate blocks of time due to a single qualifying reason. If an employee works less than 12 months in a year and 60 consecutive workdays of paid parental leave cannot be taken due to the end of the school year, paid parental leave shall end on the last scheduled workday and resume on the first scheduled workday of the next school year. All other paid parental leave must be taken for 60 consecutive workdays.
- e. **Reduced leave schedule** is a leave schedule that reduces an employee’s usual number of working hours per workweek, or per workday.
- f. **Paid leave** refers to the paid leave taken pursuant to Section 1333.
- g. **Parent** means legal parent as evidenced by a birth certificate, adoption documents, court order, or other legal documents.
- h. **Multiple births/adoptions** means more than one child is born from the same pregnancy, or more than one child who is 6 years old or younger is adopted through the same adoption process, or on the same date.
- i. **FMLA** refers to the Family and Medical Leave Act.
- j. **STD** refers to Short Term Disability.
- k. **Written notice** means written notice to the District’s Assistant Superintendent.

3. **Entitlement**

- a. A full-time employee employed by a reorganized school district, charter school, or vocational school district for at least 12 consecutive months immediately prior to the date of the birth or adoption shall be entitled to 60 workdays of paid parental leave upon the date of the birth of a child of the employee, or upon the date of adoption by the employee of a child who is 6 years old or younger. The birth of a child, or adoption of a child, must have occurred on or after April 1, 2019. Multiple births/adoptions do not increase the length of paid parental leave.
- b. Paid parental leave is for the purpose of caring for and bonding with the child. If the employee is not caring for and bonding with the child, the employee is not eligible for paid parental leave. If, for whatever reason, the child is no longer in the care of the employee, the paid parental leave shall terminate.
- c. The entitlement to paid parental leave shall expire at the end of the 12-month period beginning on the date of the birth or adoption creating the entitlement to paid parental leave. If, for example, an employee entitled to paid parental leave takes 30 workdays of paid parental leave during this 12-month period, there will be no entitlement to take the remaining 30 workdays of paid parental leave subsequent to the expiration of the 12-month period following the birth or adoption creating the entitlement to paid parental leave. If an employee receiving paid leave terminates employment prior to the end of the 12-month period, there shall be no payment for unused paid parental leave.
- d. Paid parental leave cannot be taken on an intermittent basis (unless taken at the end of the school year), or be used to create a reduced leave schedule. Paid parental leave must be taken for a continuous block of time up to a maximum of 60 workdays.
- e. If two District employees are eligible for paid parental leave for the same birth or adoption, each of the employees is eligible for 60 workdays of paid parental leave. Paid parental leave for both of the employees ends at the expiration of the 12-month period beginning on the date of the birth or adoption.
- f. Employees eligible for paid parental leave cannot use accumulated sick leave to extend paid parental leave upon the birth or adoption of a child beyond the 60 workdays of paid parental leave provided by Section 1333.

4. **Non-Eligible Employees**

- a. Employees who are not eligible for paid parental leave may use accumulated sick leave upon the birth or adoption of a child pursuant to Section 1333(c).

5. **Impact on FMLA Leave Entitlement and STD**

The use of paid parental leave, or the use of accumulated sick leave under § 1333(c), shall run concurrently with FMLA leave, and STD. If, for example, a full-time employee uses 60 workdays of paid parental leave, the use of the 60 workdays of paid parental leave will also result in the use of 60 workdays of FMLA leave. When the use of paid parental leave runs concurrently with STD, STD shall pay 75% of the employee's daily salary, and paid parental leave shall pay 25% of

the employee's daily salary to equal 100% of pay. Utilization of STD does not extend an employee's paid parental leave.

6. Notice and Certification

- a. If an employee intends to take paid parental leave upon the birth of the employee's child, the employee shall provide the District written notice of intent to take paid parental leave at least 30 days' in advance of the expected date of birth. If an employee intends to take paid parental leave based upon the adoption of a child, the employee must provide written notice of intent to take paid parental leave at least 30 days' in advance of the adoption, if the date of the adoption is foreseeable. If the date of the adoption is not foreseeable, the employee shall provide the District written notice of the date of adoption as soon as is practicable.
- b. If an employee requests paid parental leave based upon the birth or adoption of a child, the employee shall provide documentation of the birth or adoption within 30 days of the birth or adoption event, or as soon as documentation is available. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Situations where a legal document cannot be provided at the time of birth or adoption, or within a reasonable time thereafter, will be considered on a case-by-case basis. Legal documents considered include a report of birth, a birth certificate, and an adoption order. The documents provided shall show the date of the birth or adoption age of the adopted child, and name of the parent(s). An employee's stepchild is not legally considered the child of the employee, unless the employee adopts the stepchild.

7. Unpaid Extended Leave of Absence

An employee may request an extended leave of absence without pay and without credit for experience toward tenure, salary computation, or pension eligibility or computation of up to one year.

8. Additional Duties / Additional Leave

If an employee has accrued time for snow hours or the summer schedule bank prior to the start of paid parental leave, the employee may utilize such time as permitted by board policy. This time will not be counted as part of the employees 60 workdays of paid parental leave and the employee will receive one additional day of paid leave at the end of their scheduled leave for each day of snow hours or the summer schedule bank utilized.

9. Amendment or Repeal of Section 1333

The Board reserves the right to revise or rescind this policy. If Section 1333 is amended, the policy will be revised to conform the policy to the amendment. If Section 1333 is repealed, this policy is null and void.

10. Effective Date

- a. This policy takes effect on April 1, 2019.
- b. Employees who have completed their 12 workweeks of paid parental leave prior to November 1, 2019 shall be entitled to additional paid parental leave such that the employee receives 60 workdays. These paid parental leave days may be taken on an intermittent basis

but will expire at the end of the 12-month period beginning on the date of the birth or adoption creating the entitlement to paid parental leave.

Approved by the Board of Education 11/16/88

Revision approved by Board of Education, February 20, 2002

Revision approved by Board of Education, March 20, 2019

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