

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7410.9

FOR POLICY NUMBER: BP – 7410

MATERNITY LEAVE

1. PROCEDURE SUMMARY STATEMENT

The College offers paid maternity leave, which is administered according to college policy and in accordance with all rights afforded to employees consistent with all Federal and/or State regulations in their most current versions and as amended.

2. DEFINITIONS

2.1 Maternity Leave – six (6) consecutive weeks of paid leave that applies to the birth-mother beginning at the birth of a child for post-partum care and recovery.

3. PROCEDURE

3.1 General

3.1.1 Maternity Leave Eligibility and Duration

3.1.1.1 The College will grant an eligible employee paid maternity leave for the following specified durations for any of the following reasons:

3.1.1.1.1 Paid maternity leave is available during the employee's first year of employment at the College regardless of being eligible for Family and Medical Leave Act (FMLA) leave. Pregnant employees are expected to work prior to childbirth unless their physician provides medical certification of necessity of leave. If additional pre-partum time is required, the employee should refer to the College's Sick Leave procedures. The maximum paid maternity leave is six (6) consecutive weeks for post-partum care and recovery.

3.1.1.1.2 Paid maternity leave is available after the employee's first year of employment at the College, which will run concurrently with FMLA leave. Pregnant employees are expected to work prior to childbirth until their physician provides certification for the employee's medical necessity of leave. If additional pre-partum time is required, the employee should refer to the College's Sick Leave procedures. The employee shall have six (6) consecutive weeks of paid maternity leave for post-partum care and recovery unless the employee's physician provides medical

certification of necessity and duration, then the employee shall have up to ninety (90) consecutive calendar days of paid maternity leave which shall be cumulative with the initial six (6) consecutive weeks.

3.1.1.1.3 Employees shall follow protocol of the Adoption Leave procedures for an event when an employee becomes the primary caregiver of a newly adopted or newly placed child.

3.1.1.2 Paid maternity leave is compensated based on the employee's primary position base salary. The employee's additional assignments (i.e. overload, extension and coop days, overtime, etc.) are not considered when calculating the paid leave compensation if the College is required to pay additional wages to a different employee to cover their absence.

3.1.1.3 In the event that an employee is unable to return to work after using up to ninety (90) consecutive calendar days due to complications from the birth of a child, the employee may be eligible for long-term disability benefits according to the College's Sick Leave procedures.

3.2 Requesting Maternity Leave

3.2.1 All requests for maternity leave shall be initiated by contacting the immediate supervisor and by notifying the Human Resources Office. The employee must provide thirty (30) days' notice, or as much notice as practicable if the leave is not foreseeable. The employee may also be asked to submit a Request for Family/Medical Leave Form, which is found on the Human Resources information site, depending on the employee's FMLA eligibility status. This will assist the College in working out appropriate schedules, to ensure compliance with Federal and State laws and to ensure the employee's electronic personnel file is accurate. If, for any reason, the employee wishes not to inform their supervisor of the reason for the leave, or if they have any questions about their supervisor's response, the employee may contact the Human Resources Office.

3.2.2 Additional Information

3.2.2.1 After receiving a request for leave, the Human Resources Office shall provide the employee additional information regarding the maternity leave, including FMLA certification documents for verification of what is medically necessary for the length of maternity leave.

3.2.3 Confidentiality

3.2.3.1 The College will keep confidential all information relating to requests for paid maternity leave. This information will be used only to make decisions in regard to the provisions of this procedure. Supervisors must submit all records to the Human Resources Office and will not retain any copies in their files.

3.3 Benefits

3.3.1 Health Benefits

3.3.1.1 During the paid maternity leave, the College will maintain the employee's benefits and their elected payroll deductions.

3.3.2 Reinstatement of Benefits

3.3.2.1 The College has the right, upon the employee's return from paid maternity leave, to refuse to reinstate any benefit or condition of employment that has been discontinued for the College's employees.

3.3.3 There is no compensation for paid maternity leave unused at the end of the employment year or at the termination of employment.

3.4 Reinstatement of Employment

3.4.1 General - An employee taking paid maternity leave under this procedure will be returned to the employee's same position or to an equivalent position, at the election of the College, unless the employee would have been terminated in the absence of any leave (e.g., layoff, downsizing, or termination of a temporary job). Taking of leave will not result in any loss of benefits or conditions of employment accrued prior to the beginning of the leave period, except that if the employee is unable to use annual leave because of procedure restriction, the College has the option of setting a new deadline for use of accrued annual leave.

3.4.2 COBRA

3.4.2.1 When an employee notifies the College that they are not returning from leave, the College shall terminate the employee's applicable benefits and they shall no longer have a right to restoration to the same or equivalent position. The employee shall be entitled to continuation of applicable benefits only in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the provisions of the applicable benefit plans provided.

3.4.3 Failure to Return to Work

3.6.6.1 Employees who fail to return to work after paid maternity leave and FMLA leave are exhausted, shall be treated as having voluntarily terminated their employment, unless the employee qualifies for long-term sick/disability leave, per the College's procedure herein, or the inability to return is due to a disability covered under the Americans with Disabilities Act (ADA) and the employee requests and can reasonably be granted a reasonable accommodation as required by

the ADA. A case-by-case assessment of the individual employee's situation and the College's duty as to a reasonable accommodation will be considered. Reference the College's ADA policy and procedures.

3.5 General Provisions

3.5.1 Administrator

3.5.1.1 The College is the sole administrator of this procedure and, as such, is the exclusive interpreter of its terms. All provisions of this procedure shall be interpreted consistent applicable Federal and State laws and regulations.

3.5.2 Changes

3.5.2.1 The College reserves the right to modify or terminate this procedure at any time.

3.5.3 No Employment Rights

3.5.3.1 This procedure does not create any employment rights to any individual other than specifically stated in this procedure.

3.5.4 Limitations

3.5.4.1 Except as otherwise stated, this procedure is not intended to create any rights greater than that conferred on employees by applicable Federal and State laws and regulations.

3.5.5 Rights and Obligations

3.5.5.1 Employees and the College have various rights and obligations under this procedure and under applicable Federal and State laws and regulations. For further information, contact the Human Resources Office.

4. APPLICABILITY

N/A

ISSUE DATE: 02/27/2019

EFFECTIVE DATE: 02/27/2019

REVISION DATE(S): none

PRIOR POLICY/PROCEDURE NUMBER: none

SCHEDULE FOR REVIEW: 2024

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/REFERENCES: AP-7410.0; AP-7410.1; AP-7410.2; AP-7410.3; AP-7410.4; AP-7410.5; AP-7410.6; AP-7410.7; AP-7410.8;

PROCEDURE KEY WORDS: maternity leave; FMLA