Current: Black

Proposed Revisions: Red

**1025.00 Maternity Leave**

**Revised: November ~~2001~~2012**

**Effective Date:**

**Review Date: Month Year; three years from date of adoption unless otherwise specified**

**Responsible Party: Human Resources**

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**1025.10 Reference**

* Sections 2-18-606 and 49-2-310, *Montana Code Annotated*.

**1025.20 Policy**

MSU-Bozeman shall not discriminate against and/or exclude from employment any applicant or employee on the basis of a pregnancy or childbirth related health condition. A pregnancy or childbirth related health condition shall be treated the same as any temporary disability for all personnel actions (e.g., length and extension of leave, retention of seniority, reinstatement, or fringe benefits). ~~For purposes of this policy, pregnancy related illness shall include pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.~~

In accordance with state statute, it is unlawful for an employer to:

A.     Terminate a woman's employment because of a pregnancy or childbirth health related condition;

B.     Refuse to grant an employee a reasonable leave of absence for a pregnancy or childbirth related health condition;

C.     Deny an employee who is disabled as a result of a pregnancy or childbirth related health condition pregnancy any compensation to which she is entitled through accumulation of leave or disability benefits. The supervisor may require a medical certificate verifying the employee is unable to perform her employment duties for the period of the requested disability;

D.     Require an employee to take a mandatory maternity leave for an unreasonable length of time.

**1025.30 Duration of Leave**

An employee may request a maternity leave of absence for purposes of the pregnancy or childbirth health related condition, and care of the newborn. A combination of sick leave, annual leave, donated sick leave, and leave without pay may be used according to the following guidelines.

A.     *Disability* - The disability period for recovery from normal childbirth is six weeks. Therefore, an employee may use sick leave, or donated sick leave, for up to six calendar weeks on maternity leave. A physician's certificate may be required for use of sick leave beyond six weeks.

B.     *Discretionary Leave - Maternity* - In addition to the disability period, during which sick leave may be used an employee may also request the use of annual leave, earned compensatory time, or leave without pay to extend the leave of absence. The department head/director must approve the use of this additional leave.

**1025.40 Employee Responsibilities**

A.     The employee should submit to the supervisor a Faculty and Staff Leave Request form indicating the anticipated dates of absence and the proposed leave types. This form is available from ~~Personnel and Payroll Services~~ Human Resources [insert link].

B.     If leave without pay is anticipated to exceed 15 days, the employee should contact ~~Personnel and Payroll~~ Human Resources for information about continuation of health insurance coverage.

C.     Due to the nature of a pregnancy or childbirth related leave, it is understood that the leave request may need to be changed. The employee should notify the supervisor immediately of any changes which may be necessary in the leave arrangements. Employees wishing to return to work before the end of the requested leave may do so with the approval of the department head/director.

**1025.50 Department Responsibilities**

A.     Pregnancy or childbirth related health conditions shall be treated as any other temporary medical disability.

B.     The supervisor shall consider the employee's request for sick leave, annual leave, donated sick leave, or leave without pay in the same manner as any other employee's request.

C.     The department is responsible to make available the employee's original position or an equivalent position at equivalent pay upon completion of the approved leave.

(Cross reference Section 1070 “Family and Medical Leave,” Section 1030, "Parental Leave" and Section 1035, "Leave of Absence Without Pay," Section1015, "Sick Leave, Section 1045 Donated Sick Leave" of this Manual.)

**1025.60 History**

Reference MSU Classified Personnel Manual, Section 25:00, dated November, 1977. This policy approved by the Director of Administration on May 5, 1986, and on September 17, 1992. Revision approved by the Vice President for Administration on March 28, 1993. This modification approved by the Vice President for Administration & Finance on November 29, 2001. This modification approved by the Vice President for Administration & Finance on November xx, 2012.