



Department: Human Resources
Policy Number: HUM-A031
Effective Date: 5/02/05

ADMINISTRATIVE POLICY

The online version of this policy is official. Therefore, all printed versions of this document are unofficial copies.

MATERNITY/PARENTAL LEAVE

It is the policy of the Clarksville-Montgomery County School System (CMCSS) to grant eligible employees maternity and/or parental leave in accordance with the provisions of the Family and Medical Leave Act (FMLA), the Tennessee Maternity Leave Act (TMLA), and other applicable Tennessee laws.

Maternity/parental leave for employees is granted upon request provided the employee submits the required forms to the Chief Human Resources Officer (CHRO) or the Human Resources Coordinator no later than the end of the fifth (5) month of pregnancy. The notice requirement may be waived or reduced by the CHRO or the Human Resources Coordinator upon presentation of a certified statement from a physician. The required forms must include the dates for beginning and ending the leave and date employee will return to position at CMCSS. Adoption of a child or placement of a foster child constitutes a valid reason for requesting this leave. Proof of the adoption or the foster care placement must accompany the request.

The duration of approved requests will comply with FMLA, TMLA, and other applicable Tennessee laws. Requests for additional time will be reviewed on a case-by-case basis to ensure student and CMCSS needs are being met. Positions vacated for less than twelve (12) months by certified employees on leave will be filled with an interim employee for such time as the certified employee is on leave. Upon return of said certified employee within twelve (12) months, the interim employee relinquishes the position and the certified employee returns thereto. If the leave exceeds twelve (12) months, the certified employee will be placed in the same or a comparable position upon return from leave.

Requests for an additional twelve (12) month extension are granted one (1) time only. The Chief Human Resources Officer considers these leave extension requests on a case-by-case basis in light of the needs of CMCSS.

Employees on maternity/parental leave are required to use accumulated sick, vacation, personal, or comp leave if a non-exempt employee, or twelve (12) weeks, whichever is less, for the birth and care of a newborn child. Once an employee's accrued leave has been used, any remaining portion of maternity/parental leave will be without pay. If both parents are employed with CMCSS and eligible for FMLA leave, they are limited to a combined total of twelve (12) paid weeks if such accumulated leave exists.

Upon verification by a written statement from an adoption agency or other entity handling an adoption, a teacher may be allowed to use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one (1) parent is entitled to use leave.

Time spent on leave without pay is not counted for retirement purposes or as years of service in placing the employee on the salary schedule.

The Tennessee Maternity Leave Act also entitles eligible employees to a four-month leave of absence in connection with adoption, pregnancy and childbirth. If a leave qualifies for both FMLA and Tennessee Maternity Leave Act, the leave will be taken concurrently under both laws.



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Paid Parental Leave

Per T.C.A. §8-50-813, enacted on May 11, 2023, an “eligible employee” is eligible for paid parental leave for a period of time equal to six work weeks after the birth, stillbirth, or adoption of a child. This leave type is separate from an employee’s sick, personal and vacation leave. The leave does not have to be taken consecutively; however, the paid leave shall be used within twelve (12) months of the qualifying event. The leave will run concurrently with an approved FMLA. Supporting documentation regarding leave will be required.

An eligible employee is defined as a teacher, principal, supervisor or other individual required by law to hold a valid license of qualification for employment in a local education agency and who has been employed full time with a local education agency for at least 12 consecutive months.

Employees shall provide notice to the school district thirty (30) days prior to the intended use of the leave. If the employee learns about the need for leave less than thirty (30) days in advance, the employee shall give notice as soon as reasonably possible in order to be eligible for the paid leave.

Implementing Procedures: [HUM-P006](#) Leave of Absence Request

Associated Documents: [HUM-G004](#) Maternity Leave Guide
[HUM-M001](#) Employee Handbook
[HUM-A016](#) FMLA Policy
 T.C.A. §4-21-408, Tennessee Maternity Leave Act
 The Family Medical Leave Act of 1993, Federal Regulations Part 825
 T.C.A. §8-50-802(a)(4)
 T.C.A. §49-5-710(a)(2)
 T.C.A. §8-50-813
 Tennessee Pregnant Workers Fairness Act, T.C.A. 10-50- 101, et. seq.

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
5/02/05		Initial Release
11/17/08	A	Fifth paragraph last sentence, change “chooses to use” to “has accrued”.
8/17/09	B	Changed wording in 2 nd paragraph from “a certified statement of a physician” to “with a certified statement from a physician”, changed the word “entitle” to “required” in 5 th paragraph, added HUM-G004 as an associated document.
1/18/10	C	Add “In accordance with Tennessee Code Annotated, an employee may use thirty (30) days of accumulated sick leave for adoption of a child. If both adoptive parents are employed with CMCSS, only one (1) parent is entitled to use paid sick leave. Written verification for an adoption agency, or other entity handling the adoption, will be required” To fifth paragraph
1/13/14	D	Change responsibility to Human Resources Director; Add to third paragraph “Duration of approved requests will be in compliance with FMLA and TMLA. Requests for additional time will be reviewed on a case-by-case basis to ensure student and CMCSS needs are being met.”

11/9/15	E	Added paternity leave to policy. Updated associated documents.
12/7/15	F	Third paragraph, added certified for clarification.
2/22/16	G	Changed paternity to parental throughout. Added placement of foster child.
10/17/16	H	Added up to 8 weeks for caesarean to para.6.
7/23/18	I	Updated throughout in accordance with T.C.A. Replaced "Human Resources Director" with "Chief Human Resources Officer". Added T.C.A. § 8-50-802(a)(4) to associated documents.
5/28/19	J	Para. 2, added Human Resources Coordinator as an approval authority.
8/12/19	K	Para. 2, replaced "at least 30 days prior..." with "no later than the end of the fifth month of pregnancy". Para. 6, replaced "employees on parental leave..." with "upon verification by a written statement": (see previous revision for details).
4/18/23	L	Add: Tennessee Pregnant Workers Fairness Act, T.C.A. 10-50- 101, et. seq.
7/31/23	M	Added the "Paid Parental Leave" section (paragraphs 9-11) to comply with T.C.A. §8-50-813.

***** End of Policy *****