

## 6105 Parental & Postpartum Recovery Leave Policy

### 1. Definitions

- a. "Child" means an individual who is younger than 18 years old.
- b. "Parental leave" means leave hours Maeser provides to employees who are eligible for parental leave to bond with a child or, in the case of a guardianship appointment, an incapacitated adult.
- c. "Parental leave eligible employee" means an employee who accrues paid leave benefits in accordance with Maeser's policies and:
  - i. is assuming a parental role with respect to the child or the incapacitated adult for which parental leave is requested; and
    - 1. is the child's biological parent;
    - 2. is the spouse of the person who gave birth to the child;
    - 3. is the adoptive parent of the child, unless the employee is the spouse of the pre-existing parent;
    - 4. is the intended parent of the child and the child is born under a validated gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement;
    - 5. is appointed the legal guardian of the child or the incapacitated adult; or
    - 6. is the foster parent of the child.
- d. "Postpartum recovery leave" means leave hours Maeser provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.
- e. "Retaliatory action" means to do any of the following to an employee:
  - i. dismiss the employee;
  - ii. reduce the employee's compensation;
  - iii. fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised; or
  - iv. fail to promote the employee if the employee would have otherwise been promoted.
- f. "Postpartum recovery leave eligible employee" means an employee who:
  - i. accrues paid leave benefits that can be used in the current and future calendar years; or
  - ii. gives birth to a child.

### 2. Postpartum recovery leave

- a. Maeser provides up to three weeks of paid postpartum recovery leave for recovery from childbirth.
- b. Postpartum recovery leave shall be used starting on the day on which the eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary.
- c. Postpartum recovery leave shall be used in a continuous period and shall not be used intermittently.
- d. Postpartum recovery leave and parental leave shall not overlap or run concurrently.
- e. Postpartum recovery leave is in addition to any regular paid leave that an employee may qualify for.

### 3. Parental leave

- a. Maeser provides up to three weeks of paid parental leave to qualified employees.
  - b. Parental leave may not be used before the day on which:
    - i. the parental leave eligible employee's child is born;
    - ii. the parental leave eligible employee adopts a child;
    - iii. the parental leave eligible employee is appointed a legal guardian of a child or incapacitated adult; or
    - iv. a foster child is placed in the parental leave eligible employee's care.
  - c. Parental leave may not be used more than six months after the date of the qualifying event.
  - d. Parental leave may be used in one week increments for up to three weeks unless a health care provider certifies that intermittent leave is necessary due to a serious health condition of the child.
  - e. Parental leave shall not overlap or run concurrently with postpartum recovery leave.
  - f. Parental leave does not increase if a parental leave eligible employee
    - i. has more than one child from the same pregnancy;
    - ii. adopts more than one child;
    - iii. has more than one foster child placed in the parental leave eligible employee's care; or
    - iv. is appointed legal guardian of more than one child or incapacitated adult.
  - g. A parental leave eligible employee may not use more than three work weeks of paid parental leave within a single 12-month period.
  - h. Parental leave is in addition to any regular paid leave for which an employee may qualify.
4. A qualified employee shall make reasonable attempts to give Maeser at least 30 days notice before the day on which the qualified employee plans to begin postpartum recovery leave or parental leave.
  5. A qualified employee shall provide documentation of the life event that qualifies them for parental leave.
  6. Qualified employees who use postpartum recovery leave or parental leave shall continue to receive all employment related benefits and payments at the same level they received immediately before beginning the postpartum recovery leave or parental leave, provided that the qualified employee pays any required employee contributions.
  7. Maeser shall not compensate a qualified employee for any unused postpartum recovery leave or parental leave.
  8. Parental and post-partum recovery leave fall under FMLA ( 63A-17-511(4)(iii)); however only 6 weeks are paid by Maeser and the employee has the opportunity to use their paid time off or unpaid leave as applicable.

Reference: 53G-11-209

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