

1 **Bainville K-12 Schools**

2  
3 **PERSONNEL**

5330

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5 Maternity Leave

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7 Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage,  
8 childbirth and recovery therefrom. Maternity leave includes only continuous absence  
9 immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or  
10 continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-  
11 related complications.

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13 It is unlawful for an employer to refuse to grant an employee a reasonable leave of absence for  
14 pregnancy. In determining the reasonableness which shall apply to a request for a leave of  
15 absence for a pregnancy, an employer shall apply standards at least as inclusive as those which  
16 have been applied to requests for leave of absence for any other valid medical reason. Bainville  
17 School District has determined that maternity leave shall not exceed six (6) weeks unless  
18 mandated otherwise by the employee’s physician.

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20 It is also unlawful for an employer to deny to the employee who is disabled as a result of  
21 pregnancy any compensation to which the employee is entitled as a result of the accumulation of  
22 disability or leave benefits accrued pursuant to plans maintained by the employer, provided that  
23 the employer may require disability as a result of pregnancy to be verified by medical  
24 certification that the employee is not able to perform employment duties.

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26 As a disabling condition, maternity leave is not available to fathers.

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28 An employee who has signified her intent to return at the end of her maternity leave of absence  
29 shall be reinstated to her original job or an equivalent position with equivalent pay and  
30 accumulated seniority, retirement, fringe benefits, and other service credits.

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32 Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers  
33 § 49-2-311, MCA Reinstatement to job following pregnancy-related  
34 leave of absence  
35 Admin. R. Mont. 24.9.1201—1207 Maternity Leave

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37 Policy History:  
38 Adopted on: 8/9/17  
39 Reviewed on:  
40 Revised on: