

Maternity and Parental Leave Policy

Subject Personnel

Web Link https://www.montana.edu/policy/hr_policies/maternity_parental_leave.html

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Responsible Party University of Human Resources

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Scope

This policy applies to the following MSU Campuses:

- MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)
- MSU Billings (including City College)
- MSU Northern
- Great Falls College MSU

For the purpose of this policy, the term “university” means all campuses listed above.

100.00 Introduction and Purpose

This policy implements maternity and parental leave granted to state employees under Montana law for the affiliated campuses of Montana State University and outlines practices prohibited by Montana law in relation to pregnancy and maternity leave.

The [Federal Family Medical Leave Act \(FMLA\)](#) and [MSU's FMLA Policy](#) also applies to and grants eligible employees up to twelve (12) weeks of unpaid leave for the birth or adoption of a child. Maternity and parental leave run concurrently with any FMLA leave.

200.00 Non-Discrimination Statement

MSU does 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, fringe benefits).

In accordance with [Montana Law \(49-2-310, MCA\)](#), it is unlawful for an employer to:

- a. terminate an employee'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 any compensation to which the employee is entitled through accumulation of leave or disability benefits. The university may require a medical

certificate verifying the employee is unable to perform the employee's duties for the period of the requested disability; and

- d. require an employee to take a mandatory maternity leave for an unreasonable length of time.

300.00 Use of Maternity Leave

A pregnant employee may request a leave of absence for purposes of the pregnancy, any childbirth health related condition, and care of the newborn. The employee may use accrued paid leave and unpaid leave as outlined in this policy.

[Montana Law \(49-2-310, MCA\)](#) provides that pregnant employees are entitled to receive a "reasonable" leave of absence for maternity. "Reasonable" in the case of a normal pregnancy and delivery is deemed to be six (6) calendar weeks, and this period of leave will be granted after the birth of a child, if requested. An employee is not required to obtain medical certification for this initial six (6) calendar weeks of leave following the birth of a child. Accrued sick leave, donated sick leave, annual leave, compensatory time (if applicable), and leave-without-pay may be used for this six-(6) week period of leave. FMLA leave will be used for those [employees who are eligible](#).

After this six-(6) week period of sick leave, employees may be eligible to use other university leave benefits, such as additional sick leave, for appropriate health related conditions, remaining FMLA leave up to twelve (12) weeks, annual leave, compensatory leave, or leave-without-pay; eligibility for such additional leave is determined by the terms of such other leave policies.

Nothing in this policy prohibits an employee from voluntarily returning to work sooner than six (6) calendar weeks after the birth of a child.

400.00 Use of Parental Leave

Under state law ([Section 2-18-606, MCA](#)), parental leave is available for birth fathers or for employees who are adopting a child immediately following a child's birth or placement. Classified employees in their probationary period are not eligible for parental leave.

Fathers and adopting employees are entitled to a leave of absence of fifteen (15) working days following the birth of a child or placement of an adopted child. Employees may use sick leave for the initial fifteen (15) days.

Birth fathers and adoptive parents may extend leave in accordance with [FMLA](#) and MSU leave policies, and accrued annual leave, compensatory time (if applicable), and leave-without-pay may be used for FMLA leave in accordance with [MSU's FMLA Policy](#).

500.00 Concurrent FMLA Leave

Eligible employees may take up to twelve (12) weeks of FMLA leave for the birth or adoption of a child in accordance with the [Federal Family and Medical Leave Act \(FMLA\)](#) and [MSU's FMLA Policy](#). Maternity and Parental leave run concurrently with FMLA leave. When eligible employees take maternity or parental leave concurrently with FMLA leave, the FMLA policy requirements also apply.

600.00 Employee Responsibilities

If known, employees shall notify their supervisor of the anticipated dates of absence and the proposed leave types. When dates are not known, employees shall notify their supervisor as soon as practical. The employee should contact their campus University Human Resources for information about continuation of health insurance coverage during the leave.

Due to the nature of a pregnancy, childbirth, or adoption related leave, it is understood that the leave request may need to be changed. The employee will notify the supervisor 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.

700.00 Departmental Responsibilities

The supervisor shall notify University Human Resources if an employee will be using leave for pregnancy or childbirth related health conditions. The department will make available the employee's original position, or an equivalent position at equivalent pay, upon completion of the approved leave.

800.00 Tenure Track and Tenured Faculty

Tenure Track and Tenured Faculty at Montana State University Bozeman are also eligible for extension of the tenure review period for childbirth, adoption, or placement of a foster child in the home under the [Extending the Tenure Review Period](#) policy of the MSU Faculty Handbook.

Resources: [Family and Medical Leave Act Policy](#), [Sick Leave Policy](#), [Donated Sick Leave Policy](#)