



The Salem Public Schools  
Office of Human Capital  
City of Salem

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## **SPS Leave Practices for the Birth or Adoption of a Child – FAQ**

**February 1, 2018**

### **ELIGIBILITY**

#### **Eligibility for FMLA**

Employees are eligible for FMLA if they have worked for the employer for at least 12 months and they have worked more than 1250 hours within the last calendar year. FMLA provides twelve workweeks of leave (60 days) in a 12-month period for the birth of a child and to care for the newborn child within one year of birth or the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.

#### **Eligibility for MA Parental Leave**

Employees are eligible for MA Parental leave after they have completed an initial probationary period (set by the terms of employment) but cannot exceed three months (90 days). In all cases, MA Parental Leave provides 8 weeks (40 days) of continuous, protected leave. MA Parental leave will run concurrently with FMLA Leave if both are available to the employee.

### **LEAVE FOR COUPLES BOTH EMPLOYED BY SPS**

#### **FMLA for Married Couples**

Married couples share the 12 weeks of continuous, FMLA protected leave or 8 weeks of MA Parental leave for the birth or adoption of a child. Either parent can apply up to 40 days of sick time to this leave period. No more than 60 days of sick time in total will be paid out to the married couple. Vacation time (if applicable) and personal time must be exhausted before unpaid time can be taken, unless otherwise guided by a collective bargaining agreement.

#### **FMLA for Unmarried Couples**

Unmarried couples are both entitled to 12 weeks of continuous, FMLA protected leave or 8 weeks of MA Parental leave for the birth or adoption of a child. Either parent can apply up to 40 days of sick time to this leave period. Vacation time (if applicable) and personal time must be exhausted before unpaid time can be taken, unless otherwise guided by a collective bargaining agreement.

### **LEAVE IN MULTIPLE PARTS**

#### **FMLA/Parental Leave in Two Continuous Periods**

SPS has a practice of allowing Parental leave to be taken in two periods of continuous leave for the parent. This leave is generally taken for a period of time at the time of birth and then when the other parent returns to work to support the transition.

#### **Intermittent Leave is Not Offered for the Birth or Adoption of a Child**

Salem Public Schools does not generally allow intermittent FMLA leave for the birth of a child. (ex. One day per week to leave exhaustion.) Every case is evaluated on a case-by-case basis by the Office of Human Capital and the Superintendent and guided by the needs of the students/school.

## **USE OF PERSONAL AND VACATION TIME**

With FMLA Leaves, it is discretionary for union and non-union staff to apply personal time and accrued vacation time before taking unpaid leave.

With unpaid leaves/non-FMLA leaves, staff must exhaust both their personal time and accrued vacation time before they can take unpaid time.

Please reference the collective bargaining agreement for additional information.

## **REQUESTING LEAVE**

### **Requesting FMLA/Parental Leave**

You must provide at least two weeks' notice of the anticipated date of departure and state your intention to return. However, the law permits you to provide notice as soon as practicable if the delay is for reasons beyond your control. Some collective bargaining agreements require an additional notice period of 30 days.

### **FMLA Forms and Documentation**

Please complete the FMLA Request Form and provide a letter from the medical provider stating the anticipated due date. A birth record (from the hospital) is required to complete the certification process.

Forms are available on the Office of Human Capital website at [http://salemk12.org/Pages/SPS\\_DISTAdmin/HR\\_Forms/](http://salemk12.org/Pages/SPS_DISTAdmin/HR_Forms/)

## **FMLA STATUTE**

Salem Public Schools follow FMLA/Parental Statute. Additional information can be found at:

<https://www.dol.gov/whd/fmla/>

<https://www.mass.gov/service-details/parental-leave-in-massachusetts>