

A Paid Parental Leave Dilemma: One District's Experience

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Sharing our challenges with each other leads to a deeper understanding and growth. It is my hope that writing about a recent situation that occurred in Fayette County will be helpful to you!

Sadly, one of our teachers experienced the death of her unborn baby just a few weeks before the due date. It was a tragic event, and everyone who knows this teacher grieved with her. The death occurred in November, but the psychological toll prevented the teacher from returning to work this school year.

The teacher submitted a request in September for 15 days of paid parental leave. We were empathetic to the teacher's situation, but determined that the teacher did not qualify for paid parental leave. We permitted sick leave and unpaid FMLA leave under our FMLA policy. After 60 days of FMLA, the teacher was moved to unpaid medical leave following our leave policy.

An attorney representing the teacher contacted us in November. The attorney argued that the teacher met the qualification for paid parental leave. He submitted hospital records showing that a birth had occurred and pointed out that the law does not specify a "live" birth.

I called other districts to get some advice, and no one had faced this type of situation. My HR colleagues were empathetic, but they didn't have an answer.

This decision was a significant dilemma for us. We wanted our teacher to feel supported, but we did not want to set a precedent that could cause unintended consequences in the future. (For example, at what point in a pregnancy does a miscarriage qualify for paid parental leave? What about an abortion?)

Our solution was to offer to pay the teacher for 15 days of curriculum work that could be done at home, and she was satisfied with this arrangement. The teacher received 15 days of pay, and we were very flexible with the specifics of when and where the work was done.

I'm sure there will be many more tricky situations related to paid parental leave, and I look forward to learning from each of you as we share our experiences with each other!