Wasatch Peak Academy
Paid Parental & Postpartum Recovery Leave Policy

In accordance with Utah Code § 53G-11-209, the School offers qualified employees paid parental and postpartum recovery leave to enable employees to care for and bond with their new child and to recover from childbirth. This policy is effective July 1, 2025.

Definitions

For purposes of this policy:

"Parental leave" means leave hours the School provides to a parental leave eligible employee.

"Parental leave eligible employee" means a School employee who receives regular paid personal time off (PTO) benefits from the School and is:

(a) a birth parent as defined in Utah Code § 78B-6-103;
(b) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;
(c) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement;
(d) appointed the legal guardian of a minor child or incapacitated adult; or
(e) a foster parent of a minor child.

"Postpartum recovery leave" means leave hours the School provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

"Postpartum recovery leave eligible employee" means an employee:

(a) who receives regular paid personal time off (PTO) benefits from the School; and
(b) who gives birth to a child.

"Qualified employee" means:

(a) a parental leave eligible employee; or
(b) a postpartum recovery leave eligible employee.

"Retaliatory action" means to do any of the following regarding an employee:

(a) dismiss the employee;
(b) reduce the employee's compensation;
(c) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
(d) fail to promote the employee if the employee would have otherwise been promoted; or
(e) threaten to take an action described immediately above.

Paid Parental Leave

The School allows a parental leave eligible employee to use up to 15 contracted workdays of paid parental leave for:

(a) the birth of the parental leave eligible employee's child;
(b) the adoption of a child;
(c) the appointment of legal guardianship of a child or incapacitated adult; or
(d) the placement of a foster child in the parental leave eligible employee's care.

Parental leave as described above:

(a) may not be used before the day on which:
    (1) the parental leave eligible employee's child is born;
    (2) the parental leave eligible employee adopts a child;
    (3) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult; or
    (4) a foster child is placed in the parental leave eligible employee's care;
(b) may not be used more than six months after the date described immediately above;
(c) shall be used in a single continuous period, unless:
    (1) by mutual written agreement between the School and the parental leave eligible employee; or
    (2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child;
(d) runs concurrently with FMLA leave, if applicable to the parental leave eligible employee; and
(e) runs consecutively to postpartum recovery leave, if applicable to the parental leave eligible employee.

A parental leave eligible employee's paid parental leave does not increase if the parental leave eligible employee:

(a) has more than one child born from the same pregnancy;
(b) adopts more than one child;
(c) has more than one foster child placed in the parental leave eligible employee's care; or
(d) is appointed legal guardian of more than one child or incapacitated adult.

A parental leave eligible employee may not use more than 15 contracted workdays of paid parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:

(a) becomes the parent of more than one child;
(b) adopts more than one child;
(c) has more than one foster child placed in the parental leave eligible employee's care; or
(d) is appointed legal guardian of more than one child or incapacitated adult.

Paid Postpartum Recovery Leave

The School allows a postpartum recovery leave eligible employee to use up to three calendar weeks of paid postpartum recovery leave for recovery from childbirth that occurs at 20 weeks or greater gestation.

Postpartum recovery leave as described above:

(a) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;
(b) shall be used in a single continuous period, unless otherwise authorized in writing by the Principal;
(c) runs concurrently with FMLA leave, if applicable to the postpartum recovery leave eligible employee; and
(d) runs consecutively to parental leave.

A postpartum recovery leave eligible employee's paid postpartum recovery leave does not increase if the postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

Leave Period

The maximum amount of paid postpartum recovery leave available to qualified employees under this policy is three calendar weeks. Any non-contracted workdays (such as holidays, days during summer break, etc.) that occur during a qualified employee's paid postpartum recovery leave count toward the three-calendar week leave period.

The maximum amount of paid parental leave available to qualified employees under this policy is 15 contracted workdays. Any non-contracted workdays (such as holidays, days during summer break, etc.) that occur during a qualified employee's paid parental leave do not count toward the 15-contracted workday leave period.

Notice of Plan to Take Leave

Qualified employees shall give the School's Principal notice at least 30 days before the day on which the qualified employee plans to:

(a) begin using parental leave or postpartum recovery leave; and
(b) stop using postpartum recovery leave.

If circumstances beyond the qualified employee's control prevent the qualified employee from giving notice as described above, the qualified employee shall give the School each notice described above as soon as reasonably practicable.

All such notices shall be reviewed by the Principal. If the employee providing notice does not meet the definition of a qualified employee under this policy (and is therefore not entitled to paid parental or postpartum recovery leave), the Principal shall inform the employee. Employees may be required to provide documentation supporting the need for parental or postpartum recovery leave.

Other Leave

Except with respect to FMLA leave, the School may not charge parental leave or postpartum recovery leave against a qualified employee's regular paid personal time off (PTO) or any other leave a qualified employee is entitled to under the School's leave policies.

Employee Benefits During Leave

During the time a qualified employee uses parental leave or postpartum recovery leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the parental leave or postpartum recovery leave, provided that the qualified employee pays any required employee contributions.

Employee Position after Leave

Following the expiration of a qualified employee's parental leave or postpartum recovery leave, the School shall ensure that the qualified employee may return to:

(a) the position that the qualified employee held before using parental leave or postpartum recovery leave; or
(b) a position within the School that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using parental leave or postpartum recovery leave.

Despite the foregoing, if during the time a qualified employee uses parental leave or postpartum recovery leave the School experiences a reduction in force and, as part of the reduction in force, the qualified employee's employment would have been terminated had the qualified employee not been using the parental leave or postpartum recovery leave, the School may terminate the qualified employee's employment in accordance with any applicable process or procedure as if the qualified employee were not using the parental leave or postpartum recovery leave. In addition, upon termination of a qualified employee's employment (for any reason), the employee is not entitled to be paid for any unused parental leave or postpartum recovery leave.

Retaliatory Action

The School may not interfere with or otherwise restrain a qualified employee from using parental leave or postpartum recovery leave in accordance with this policy. In addition, the School may not take retaliatory action against a qualified employee for using parental leave or postpartum recovery leave in accordance with Utah Code § 53G-11-209.

Part-Time Qualified Employees

In the event a qualified employee of the School is also a part-time employee, the employee shall be allowed to use the amount of parental leave or postpartum recovery leave available to the qualified employee under this policy on a pro rata basis.