OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION
PERSONNEL POLICIES

Policy: Maternity leave
Policy Number: 105.0
Effective Date: December 10, 2001
Approved By:

Policy

A. Employees shall not be discriminated against or excluded from employment on the basis of pregnancy. Pregnancy shall be treated the same as any temporary disability for all personnel actions (e.g. length and extension of leave, retention of seniority, reinstatement, or fringe benefits).

B. In accordance with state statute (49-2-310 and 311, MCA) it is unlawful for an employer to:
   1. terminate a woman's employment because of pregnancy;
   2. refuse to grant an employee a reasonable leave of absence for pregnancy;
   3. deny an employee who is disabled as a result of pregnancy any compensation at which she is entitled through accumulation of leave or disability benefits. The supervisor may require a medical certificate verifying the employee is unable to perform her employment duties for the period requesting disability;
   4. require an employee to take a mandatory maternity leave for an unreasonable length of time.

C. Six (6) calendar weeks after the birth of a child shall be considered a reasonable period of recovery from a temporary disability resulting from childbirth. Accumulated sick leave may be used during this period. If an employee requests use of sick leave beyond 6 weeks, a medical certificate may be required. An employee may voluntarily return to work sooner than 6 weeks if medically fit.

D. Maternity leave will be counted toward an employee's FMLA leave entitlement in accordance with OCHE Policy 111.0.

E. For purposes of this policy, pregnancy shall include childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

References:

24.9.1201, et seq. ARM
OCHE Policy 111.0