

Paid Maternity Leave FAQs

For what purposes does maternity leave apply?

Paid maternity leave is six (6) weeks of paid leave prior to using sick leave for the birth of a child.

What are the requirements to be eligible?

There are three separate criteria to be eligible for the paid maternity leave.

1. The employee must be employed in a full-time compacity.
2. The employee must have been employed with the current district for at least one year.
3. The employee must have worked 1,250 hours for the district during the preceding 12 months.

What constitutes full-time employment for paid maternity leave?

Full-time employment for paid maternity leave is largely a matter of local control. Employees eligible for Flexible Benefit Allowance are presumed eligible full-time staff, but all personnel must meet 1,250 hours worked in the preceding 12 months.

If the School Personnel Report does not report full-time, then you may need to review the Paid Maternity Reimbursement Guidelines.

How does the 1,250 hour work requirement interact with teacher contract days and FMLA guidance?

The U.S. Department of Labor has settled the question of which hours are counted toward the hours-worked requirement for FMLA, and its approach should be followed under S.B. 1121 unless State law dictates otherwise or there is a compelling reason to count the hours differently.

For example, annual or sick leave, paid or unpaid holidays, or FMLA leave are not counted as hours worked. Summer *vacation* (whether paid or not) does not apply to the 1,250 hours-worked requirement. This does not mean that summer school instruction or facility maintenance is excluded. Any hours *actually* worked contribute to the 1,250 hours-



worked requirement. This includes part-time work; however, part-time work does not contribute to the one-year employment requirement.

When does maternity leave begin?

The continuous six (6) weeks of paid maternity leave begins immediately following the birth of the child.

How is maternity leave affected by holidays and other types of leave, i.e., vacation or sick leave?

The six (6) weeks of paid maternity leave begins immediately following the birth of the child whether the district employee has a holiday or other break from the school year. The expenses for reimbursement to the school district are tied to whether the employee is required to report for work for pay.

If the paid maternity leave happens to be during a holiday or break in service to the district, there are no funds to submit for reimbursement. A district will only submit the expenses it would be required to pay “if” the employee out on maternity leave was actually at work for the district.

Does the adoption of a newborn child qualify for the paid maternity leave?

No, Title 70 § 6-104.8 states explicitly the paid maternity leave is only for a district’s eligible employee which has birth of a child.

Are male employees eligible for paid maternity leave?

No, maternity leave is commonly understood to apply only to biological women. The Legislature elected to not open this up for father (paternity leave) or family leave.

What maternity expenses can be claimed for reimbursement?

This is controlled a lot by the local district’s FMLA policy. Reimbursement expenses would be tied to the difference between FMLA and what was required from the district if the eligible employee was reporting for work.

- Salary expenses during the school year are reimbursable.
- Districts are obligated to maintain contributions for healthcare.
- Salary expenses during the summer months (or holidays) are not reimbursable.
- Maternity leave does not cover the expenses associated with a substitute.





What is the process for reimbursement for maternity leave?

District will submit individual ***Reimbursement Application for Maternity Leave*** to the Office of State Aid, Oklahoma State Department of Education, once the six (6) weeks of leave are completed for each eligible employee.

From November 2023 and thereafter, each application deadline will be the last working day of the month following the month the maternity leave was completed. Those applications with maternity leave completion prior to November 2023 will be considered timely if those applications are submitted by the last working day of December.

Reimbursement Application for Maternity Leave will provide district and eligible employee data to verify with the *Oklahoma School Personnel Report*. Application will provide weekly salary and benefits to use in calculating the total reimbursement for each eligible employee.

Notice will be provided to each district once application has been verified. A *Notice of Allocation* will be posted on the State Department of Education's [Single Sign On \(SSO\)](#) application under State Aid Management System (SAMS) *Allocations*. The Public School Paid Maternity Leave will be Code 08 with Source of Revenue as 3437 and the Project Reporting code as 377.

