

MATERNITY LEAVE

In accordance with General Laws c.149, §105D and 804 Code of Massachusetts Regulations 8.0, a full time female employee who has completed a probationary period of six (6) months shall be entitled to leave for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of 18, or under 23, if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return.

Upon her return to work, the employee is entitled to be restored to her previous position, or to a similar position which has the same status and pay as her previous position, and to the length of service credit and seniority as of the date of her leave.

Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation, to which she is entitled.

If the employee is eligible for leave under the provision of the Family and Medical Leave Act any leave taken under this section shall be deemed leave taken under the provisions of Family and Medical Leave.

ADOPTED: Personnel Board: November 19, 2003, February 11, 2004, March 17, 2004

Board of Selectmen : March 22, 2004

REVIEWED: Labor Counsel: January 13, 2004

AMENDED:

ATTACHMENT: MGL Chapter 149 Section 105D

FORM:

The terms of collective bargaining agreements supercede any provisions of any personnel policies the town establishes. If a collective bargaining agreement is silent on a topic or a subject matter within a topic these policies are intended to apply. Where the provision of a collective bargaining agreement between the town and a union conflict with a provision of a town personnel policy, the collective bargaining agreement provision will govern for those employees covered by the agreement.

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XXI. LABOR AND INDUSTRIES

CHAPTER 149. LABOR AND INDUSTRIES

DISCRIMINATORY WAGE RATES BASED ON SEX PENALIZED

Chapter 149: Section 105D Entitlement of female employees; rights and benefits

Section 105D. A female employee who has completed the initial probationary period set by the terms of her employment or, if there is no such probationary period, has been employed by the same employer for at least three consecutive months as a full-time employee, who is absent from such employment for a period not exceeding eight weeks for the purpose of giving birth or for adopting a child under the age of eighteen or for adopting a child under the age of twenty-three if the child is mentally or physically disabled, said period to be hereinafter called maternity leave, and who shall give at least two weeks' notice to her employer of her anticipated date of departure and intention to return, shall be restored to her previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave. Said maternity leave may be with or without pay at the discretion of the employer.

Such employer shall not be required to restore an employee on maternity leave to her previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such maternity leave; provided, however, that such employee on maternity leave shall retain any preferential consideration for another position to which she may be entitled as of the date of her leave.

Such maternity leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, and any other advantages or rights of her employment incident to her employment position; provided, however, that such maternity leave shall not be included, when applicable, in the computation of such benefits, rights, and advantages; and provided, further, that the employer need not provide for the cost of any benefits, plans, or programs during the period of maternity leave unless such employer so provides for all employees on leave of absence. Nothing in this section shall be construed to affect any bargaining agreement or company policy which provides for greater or additional benefits than those required under this section.

A notice of this provision shall be posted in every establishment in which females are employed.

For the purposes of this section, an "employer" shall be defined as in subsection 5 of section one of chapter one hundred and fifty-one B.
