

1973 WL 26629 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1973

***1 Re: School Maternity Leave Policies**

Hubert E. Long, Esquire
Jones, Long, Parfield and Bouknight
Post Office Box 483
Lexington, South Carolina 29072

Dear Mr. Long:

At yesterday's meeting with Lexington County school superintendents, copies of the maternity leave provisions of the Chesterfield County (Va.) School Board, recently upheld by an en banc decision of the Fourth Circuit Court of Appeals, were distributed. In a footnote of that decision the Court noted some concern with the fact that the policy carried no built-in protection against arbitrary application of the rule in particular cases.

Consequently, to those school boards wishing to adopt the Chesterfield County policy or modify their present policy in light of this Fourth Circuit decision, I would suggest that § (b) of the Chesterfield County policy be continued to include the following provision:

An extension will be granted as a matter of course (1) When no suitable replacement is available, (2) When the end of the school year and/or semester is only weeks away, (3) When the expectant mother is reasonably near attainment of the one-hundred (100) teaching days needed to qualify for an additional year of teaching credit.

Conclusion of such a provision would place these central districts in complete, clear compliance with the law in the Fourth Circuit on this matter.

Sincerely,

Bruce B. Davies
Assistant Attorney General

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