

Personnel

Family, Medical, and Maternity Leave

I. Federal Family and Medical Leave (FMLA)

General provisions

Every employee of the district who has worked for the district at least one year and for at least 1,250 hours in the preceding year, unless a lesser number of hours has been agreed upon through collective bargaining, is entitled to twelve (12) workweeks of family leave during any twelve (12) month period to do the following:

- A. Care for a newborn child, an adopted child of the employee who is under the age of eighteen at the time of placement for adoption, or a newly placed foster child;
- B. Care for a spouse, parent or child of the employee who has a serious health condition, or the employee may obtain leave for his or her own serious health condition if it renders the employee unable to perform his or her job; or
- C. Respond to a qualifying exigency occurring because the employee's spouse, son or daughter, or parent is on active duty or has been notified of pending active duty in support of a contingency operation.

An employee who is the spouse, son or daughter, parent or next of kin of a service member who is recovering from a serious illness or injury sustained while on active duty is entitled to twenty-six (26) weeks of unpaid leave in a twelve (12) month period to care for the service member.

Family leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the Superintendent or designee or where intermittent or reduced leave is medically necessary.

A period of family leave is in addition to any sick leave taken due to the employee's temporary disability attributable to pregnancy or childbirth.

Leave granted under this provision will run concurrently with other qualifying leave.

The Superintendent or designee may require written verification from the employee's health care provider when the employee is taking medical leave based on his or her own serious health condition. The Superintendent may also require written verification from an employee's family member's healthcare provider when the employee is taking medical leave based on the serious health condition of their family member.

The district may obtain the opinion of a second health care provider, at district expense, concerning any information pertinent to the employee's leave request. If the opinions of the health care providers differ on any matter determinative of the employee's eligibility for family

leave, the two health care providers will select a third provider, whose opinion, obtained at the employer's expense, will be conclusive.

Birth or adoption

Leave taken for newborn or adopted childcare will be completed within one year after the date of birth or placement for adoption.

The district will grant leave upon the same terms to male employees as is available to female employees upon the birth or adoption of the employee's child. Leave will be granted upon the same terms to employees who become adoptive parents or stepparents, at the time of birth or initial placement for adoption of a child under the age of six, as is available to employees who become biological parents. Such leave is available only when the child lives in the employee's household at the time of birth or initial placement.

Employee requests for leave of absence due to birth or initial placement for adoption of a child will be submitted in writing to the Superintendent or designee not less than 30 days prior to the beginning date of the leave. The notice will include the approximate beginning and ending dates for the leave requested.

FMLA eligible spouses who are both employees of the school district are limited to a combined total of twelve (12) workweeks of FMLA leave in any twelve (12) month period. However, if family leave is taken due to a serious health condition, and both spouses are employed by the school district, they will not be limited to a total of twelve (12) weeks of leave between the two of them and will instead be entitled to any family medical leave as described under "General Provisions".

Employment restoration

Any employee returning from an authorized family leave will be restored to the position of employment held by the employee when the leave commenced or will be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

As a condition of restoration for employees who have taken medical leave, the district may require those employees to receive certification from their health care provider that they are able to resume work.

II. State Paid Family and Medical Leave (PFML)

Paid family and medical leave are benefits administered by the Washington State Employment Security Department. Employees interested in applying for these benefits must follow the process described in Chapter 192-610 WAC. Employees who have questions regarding the application process may contact the Employment Security Department or visit its website at paidleave.wa.gov. The district will post notices made available by the Employment Security Department that provides pertinent information regarding paid family and medical leave benefits.

A brief description of the paid family and medical leave benefits program is provided below. The description is not meant to capture every aspect of the program; rather, it is meant to give a general overview.

Eligibility

Employees who have worked 820 hours during the first four of the last five completed calendar quarters or the last four completed calendar quarters are eligible for paid family and medical leave.

Reasons for leave

Family leave means leave taken by an employee from work for the following reasons:

- A. To participate in providing care, including physical or psychological care, for a family member made necessary by a serious health condition of the family member;
- B. To bond with the employee's child during the first 12 months after the child's birth, or the first 12 months after the placement of a child under the age of eighteen within the employee's home; or
- C. Because of any qualifying exigency as permitted under the federal Family and Medical Leave Act for family members as defined by RCW 50A.05.010(10).

Medical leave means any leave taken by an employee from work made necessary by the employee's own serious health condition as defined by RCW 50A.05.010(20).

Amount of leave

Employees may take up to twelve (12) weeks of paid family leave during a period of fifty-two (52) consecutive calendar weeks.

Employees may take up to twelve (12) weeks of paid medical leave during a period of fifty-two (52) consecutive calendar weeks. Paid medical leave may be extended by (2) two weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

Employees may take a combined sixteen (16) weeks of paid family and paid medical leave during a period of fifty-two (52) consecutive calendar weeks. The combined total may be extended to eighteen (18) weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

Employee notice to district

An employee must provide the district at least thirty (30) days' written notice before paid family or medical leave is to begin if the need for the leave is foreseeable based on an expected birth, placement of a child, or planned medical treatment for a serious health condition.

An employee must provide the district written notice as soon as practicable when thirty (30) days' notice is not possible because of a lack of knowledge of approximately when leave will be required to begin, because of a change in circumstances, or because of a medical emergency.

An employee must provide the district written notice as soon as is practicable for foreseeable leave due to a qualifying military exigency, regardless of how far in advance such leave is foreseeable.

The notice must be in writing and contain at least the anticipated timing and duration of the leave.

District notice to employee

Whenever the district becomes aware that an employee is absent from work for more than five (5) consecutive days to take family or medical leave, the district will provide the employee with a written statement provided by the Employment Security Department of the employee's rights.

The notice will be sent by the fifth (5th) business day after the employee's seventh (7th) consecutive missed day of work due to family or medical leave or by the fifth (5th) business day after the employer becomes aware that the employee's absence is due to family or medical leave, whichever is later.

Employment restoration

Upon return from paid family or medical leave, an employee is entitled to be restored to the position of employment held by the employee when the leave commenced or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

As a condition of restoration for employees who have taken medical leave, the district may require those employees to receive certification from their health care provider that they are able to resume work.

III. Maternity Leave

Disability during maternity leave

A staff member may use accumulated paid sick leave for the period of actual disability attributable to pregnancy or childbirth. This period will extend from the date of birth for a period of not more than 60 days, unless an actual period of disability that begins prior to the date of birth or continues beyond 60 days is otherwise verified in writing by the employee's physician.

If the employee's accumulated sick leave is exhausted during the period of maternity, the district will grant a leave of absence without pay or fringe benefits, upon the staff member's request, for the remainder of the period of actual disability due to pregnancy or childbirth.

During any unpaid portion of such leave of absence, the staff member, if eligible, may pay the premiums for any district insurance plans to keep coverage in effect for the employee and their family.

Notice of Return to Work

No later than thirty (30) days after the date of birth, the staff member is requested to notify Payroll and Benefits of the specific date when the employee will return to work.

Assignment upon return

An employee who has taken maternity leave or a leave of absence for the actual period of disability relating to pregnancy or childbirth will return to the same assignment, or a similar position for which the employee is qualified with at least the same pay and benefits, as held prior to the maternity or disability leave.

Cross References: Policy 5021 Conflicts Between Policy and Bargaining Agreements

Legal References: RCW 28A.400.300 Hiring and discharging of employees –Written leave policies - Seniority and leave benefits of employees
transferring between school districts and other educational employers
Title 50A RCW Family and Medical Leave
WAC 162-30-020 Pregnancy, childbirth, and pregnancy related conditions
29 USC Sec 2601 et seq. Family and Medical Leave Act of 1993

Classification: Essential

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