

FAMILY, MATERNITY AND MILITARY CAREGIVER LEAVE

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 is entitled to twelve (12) workweeks of family leave during any twelve (12) month period to:

- 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; or
- B. Care for a spouse, parent or child of the employee who has a serious health condition, or the employee may obtain leave for a serious personal 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.

Leave taken for newborn or adopted child care shall be completed within one year after the date of birth or placement for adoption. Family leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the superintendent or designee where intermittent or reduced leave is medically necessary. Instructional staff may not take reduced or intermittent leave when it would constitute 20 percent of the number of working days in the period during which the leave would extend without the approval of the superintendent or designee. An instructional employee may be transferred to an alternative equivalent position that would accommodate reduced or intermittent leave, if such a position is available.

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; 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.

Within thirty (30) school days after childbirth, the employee should contact the Employer and discuss plans for the employee's return. The leave shall begin and end at a time determined suitable by the employee and the employee's personal physician or practitioner, and at a time which is as consistent as possible with the orderly continuance of the educational program.

If both parents of a newborn or newly adopted child are employed by the school district, they shall be entitled to a total of twelve workweeks of family leave during any twelve month period, and leave shall be granted to only one parent at a time. There is no pooling effect for spouses if the family leave is related to a serious health condition.

The leave:

- will begin the first day of absence and will run concurrently with temporary disability leave except in the case of pregnancy, childbirth or a child placed for adoption or foster care.
- may be requested by the employee through a FMLA leave request form accompanied by health care provider certification;

- may be designated as FMLA by the district through notification to the employee; or
- may be requested by the employee on an intermittent basis or reduced schedule. Intermittent leave will be documented on Substitute Online. Classified staff will document on Substitute Online in conjunction with the timesheet.

The superintendent or designee may require written verification at any time from the employee's health care provider.

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 shall select a third provider, whose opinion, obtained at the employer's expense, shall be conclusive.

Maternity Leave

A staff member may use accumulated, paid sick leave for the period of actual disability attributable to pregnancy, childbirth or a child placed for adoption or foster care. This period will extend from the date of birth or placement for a period of not more than 60 days, unless an actual period of disability which begins prior to the date of birth or placement or continues beyond 60 days is otherwise verified in writing by the employee's physician. In addition, the employee may be eligible for additional leave from the Washington Family Medical Leave Act (FLA).

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, childbirth or a child placed for adoption or foster care.

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

A. Notice Required

An employee who becomes pregnant shall notify the employee's immediate supervisor of the employee's condition as soon as practical.

At the time of such notice the staff member will complete the Family Medical Leave Form and submit to their immediate supervisor and the superintendent or designee for one or more of the following:

1. Maternity leave for the period of her actual disability due to pregnancy, childbirth or a child placed for adoption or foster care.
2. Family leave for a period of up to 12 weeks, in addition to any period of maternity disability leave. The district will pay the employer's portion of health benefit during this period of unpaid leave;
3. Leave of absence for a period of up to the beginning of the next school term or school year. Such extended leave of absence may be approved at the discretion of the superintendent or designee based upon consideration of educational program needs and the desires of the staff member, together with the recommendation of her personal physician or licensed practitioner; or
4. Termination of employment by resignation.

The notice to the district will include the approximate beginning and ending dates for the leave.

B. Employment Conditions

A pregnant staff member may continue working as long as she is capable of performing her normal duties.

The staff member may return to work when physically able to perform her duties. If the employee intends to return to work within 30 days of childbirth, her personal physician or licensed practitioner may be required to certify that the staff member is in good health and ready to resume her duties.

No later than 30 days after the date of birth, the staff member is requested to notify the superintendent or designee of the specific date when she will return to work.

The staff member will return to her duties following an extended leave of absence on the date approved by the superintendent or designee. If the employee is still experiencing a disability due to pregnancy, miscarriage, abortion, childbirth or recovery which prevents the employee from performing her duties on the scheduled date of return, an additional period of unpaid leave of absence may be approved at the discretion of the superintendent or designee based upon consideration of educational program needs and the recommendation of the employee's personal physician or licensed practitioner.

C. Assignment upon Return

An employee who has taken a leave of absence only for the actual period of disability relating to pregnancy, childbirth or a child placed for adoption or foster care or up to twelve weeks of family leave will return to the same assignment, or a similar position for which she is qualified with at least the same pay and benefits, as she held prior to the maternity leave or family leave.

Upon return from an extended maternity leave, a staff member will be entitled to a position in the district subject to the availability of a position for which she is qualified. An effort will be made to place the staff member in her original position or in a comparable position.

Qualifying Exigency Leave

If an employee's spouse, parent, son or daughter is a military member who is deployed or has been notified of an impending deployment to a foreign country they may be entitled to a qualifying exigency leave. Qualifying exigency leave allows the employee to take up to a total of 12 workweeks of FMLA leave for qualifying exigencies such as making different day care arrangements for the military member's children or attending official military ceremonies as the employee's family member prepares to deploy.

Military Caregiver Leave

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 12 month period to care for the service member.

Return to Work

Any employee returning from an authorized family leave shall be entitled to a like position held by the employee when the leave commenced, or to a position with equivalent benefits and pay.

Reinstatement of an employee returning from family leave need not occur if: a) the specific job is eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or lack of work, b) a) an employee on family leave takes a position with another employer outside the home, or c) the employee fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave. If an employee fails to return from family leave, the district may recover the costs of the employee's health benefits paid during the leave. Instructional staff may be required to delay their return from family leave to the beginning of the next semester under the following circumstances:

- A. The employee began leave five or more weeks before the end of the semester, the leave is for more than three weeks, and the employee would otherwise return to work within three weeks of the end of the semester.
- B. The employee began family leave (except for a personal health condition) less than five weeks before the end of the semester, the leave is for more than two weeks, and the employee would otherwise return to work within two weeks of the end of the semester.
- C. The employee began family leave (except for a personal health condition) three or fewer weeks before the end of the semester and the period of leave is more than five working days.

Cross References: 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
Chapter 49.78 RCW Family Leave
WAC 162-30-020 Pregnancy, childbirth, and pregnancy related
conditions
29 USC Sec 2601 Family and Medical Leave Act of 1993

Management Resources: 2011 - October Issue
2009 - April Issue

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