

PERSONNEL

Family and Medical Leave

Eligibility: Every employee who has been employed by the district at least one year *and* for at least 1,250 hours in the preceding twelve-month period is eligible for family and medical leave. Family and medical leave will be granted concurrent with any applicable paid leave available to the employee. If the employee has no paid leave available, unpaid leave will be granted. For employees who are not eligible for family and medical leave, all other district leave policies will apply.

Reasons for leave. Eligible employees will be granted family and medical leave, including applicable paid and unpaid leave, for a period of twelve (12) workweeks during any twelve (12) month period for the following reasons:

1. To care for a newborn child, an adopted child of the employee who is under the age of eighteen (18) at the time of placement for adoption, or a newly placed foster child;
or
2. To care for a spouse, parent or child of the employee who has a serious health condition; or
3. A serious health condition that renders the employee incapable of performing the functions of his or her job.

The twelve (12) month period is calculated beginning with the first day an employee is eligible for family and medical leave counting each consecutive month thereafter.

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

Under state law, 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.

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.

Military Family Leave. The district will grant an eligible employee up to twelve work weeks of leave during a 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. "Qualifying exigencies" include short notice of deployment, military events and related activities, certain childcare-related activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities.

The district will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of leave during a single 12-month period to care for the servicemember.

All provision of military family leave will be implemented consistent with federal law and regulations. Military family leave will be granted concurrent with any applicable paid leave available to the employee. If the employee has no paid leave available, unpaid leave will be granted.

Medical Certification. The district may require the employee to provide a medical certification completed by a health care provider to determine eligibility for family and medical leave.

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.

Insurance Benefits. During a period of designated family and medical leave taken pursuant to federal law, the district will continue to pay that portion of the eligible employee's insurance premiums which the district normally pays. The eligible employee must continue to pay any portion that he or she normally paid prior to taking family and medical leave.

Return to Work. Any employee returning from designated family and medical leave shall be entitled to the same 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 and medical 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) an employee on family and medical 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 and medical leave or fails to return on the established ending date of leave. If an employee fails to return from family and medical 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:

1. 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.
2. 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.
3. 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 Reference: Board Policy 5320 Personnel Leaves
 Board Policy 5321 Sick Leave
 Board Policy 5322 Maternity Leave

Legal References: RCW 49.78 *et seq* Washington Family Leave Act
 WAC 296-134 Family Leave
 29 U.S.C. Sec. 2601 *et seq* Family and Medical Leave Act
 P.L. 110-181 of 1993
 2008 National Defense
 Authorization Act

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