

FAMILY, MEDICAL, and MATERNITY LEAVE

I. State Paid Family and Medical Leave

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 provide 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 with the employee; 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 from work taken by an employee 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 12 weeks of paid family leave during a period of 52 consecutive calendar weeks.

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

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

1 *Employee notice to district*

2 An employee must provide the district at least 30 days' written notice before paid family or med-
3 ical leave is to begin if the need for the leave is foreseeable based on an expected birth, place-
4 ment of a child, or planned medical treatment for a serious health condition.

5
6 An employee must provide the district written notice as soon as practicable when 30 days' notice
7 is not possible because of a lack of knowledge of approximately when leave will be required to
8 begin, because of a change in circumstances, or because of a medical emergency.

9
10 An employee must provide the district written notice as soon as is practicable for foreseeable
11 leave due to a qualifying military exigency, regardless of how far in advance such leave is fore-
12 seeable.

13
14 The notice must be in writing and contain at least the anticipated timing and duration of the
15 leave.

16
17 *District notice to employee*

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

21
22 The notice will be sent by the fifth business day after the employee's seventh consecutive missed
23 day of work due to family or medical leave or by the fifth business day after the employer be-
24 comes aware that the employee's absence is due to family or medical leave, whichever is later.

25
26 *Employment restoration*

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

31
32 As a condition of restoration for employees who have taken medical leave, the district may re-
33 quire those employees to receive certification from their health care provider that they are able to
34 resume work.

35
36 The district may deny restoration to any salaried employee who is among the highest paid ten
37 percent of its employees if the following apply:

- 38
39 A. Denial is necessary to prevent substantial and grievous economic injury to the operations
40 of the employer;
41 B. The district notifies the employee of its intent to deny restoration on such basis at the
42 time the district determines the injury would occur; and
43 C. The leave has commenced and the employee elects not to return to employment after re-
44 ceiving the notice.

45
46 The district may also deny restoration if the employee would not otherwise have been employed
47 at the time of reinstatement.

1
2 If the district chooses to deny restoration, it will provide written notice of such denial in person
3 or by certified mail. The notice will include a statement that the district intends to deny employ-
4 ment restoration when the leave has ended, the reasons behind the decision to deny restoration,
5 an explanation that health benefits will still be paid for the duration of the leave, and the date on
6 which eligibility for employer-provided health benefits ends.
7

8 The rights described above only apply in the following circumstances: the district has 50 or more
9 employees; the employee has been employed by the district for twelve months or more; and the
10 employee has worked for the district for at least 1,250 hours during the 12 months immediately
11 preceding the date on which leave will commence.
12

13 **II. Federal Family and Medical Leave**

14 *General provisions*

15 Every employee of the district who has worked for the district at least one year and for at least
16 1,250 hours in the preceding year is entitled to twelve (12) workweeks of family leave during
17 any twelve (12) month period to do the following:
18

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

27 An employee who is the spouse, son or daughter, parent or next of kin of a service member who
28 is recovering from a serious illness or injury sustained while on active duty is entitled to twenty
29 six (26) weeks of unpaid leave in a 12 month period to care for the service member. Family leave
30 authorized under this policy must be taken full-time and consecutively unless an alternative
31 schedule is approved by the superintendent or designee or where intermittent or reduced leave is
32 medically necessary. Instructional staff may not take reduced or intermittent leave when it would
33 constitute 20% of the number of working days in the period during which the leave would extend
34 without the approval of the superintendent or designee. An instructional employee may be trans-
35 ferred to an alternative equivalent position that would accommodate reduced or intermittent
36 leave, if such a position is available.

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

39 The superintendent or designee may require written verification from the employee's health care
40 provider when the employee is taking medical leave based on his or her own serious condition

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

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

3 **Birth or adoption**

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

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

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

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

20 **Employment Restoration**

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

24 An employee may be denied restoration under the following circumstances: a) the specific job is
25 eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or
26 lack of work, b) an employee on family leave takes a position with another employer outside the
27 home, or c) the employee fails to provide the required notice of intent to take family leave or
28 fails to return on the established ending date of leave, d) or as otherwise allowed by law. If an
29 employee fails to return from family leave, the district may recover the costs of the employee's
30 health benefits paid during the leave.

31 Instructional staff may be required to delay their return from family leave to the beginning of the
32 next semester under the following circumstances:

33 A. The employee began leave five or more weeks before the end of the semester, the leave is for
34 more than three weeks, and the employee would otherwise return to work within three weeks
35 of the end of the semester.

36 B. The employee began family leave (except for a personal health condition) less than five
37 weeks before the end of the semester, the leave is for more than two weeks, and the em-
38 ployee would otherwise return to work within two weeks of the end of the semester.

39 C. The employee began family leave (except for a personal health condition) three or fewer
40 weeks before the end of the semester and the period of leave is more than five working days.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Cross Reference: 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
employeestransferring between
school districts and other
educational employers

29 USC Sec 2601 Family and Medical Leave Act of 1993
WAC 162-30-020 Pregnancy, childbirth, and pregnancy related conditions
Chapter 192-500 WAC through Chapter 192-800 WAC Paid Family and
Medical Leave
29 CFR 825 Family and Medical Leave Act 1993

Management Resources: 2019- October Issue 2011- October
Issue

2009- April IssueClassification: EssentialAdoption Date:

08/27/98

Revised: 09/25/08
Revised: 12/10/09
Revised: 02/20/2020