

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. Staff members interested in applying for these benefits must follow the process described in Chapter 192-610 WAC. Staff members 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

Staff members who have worked 820 hours during the first four (4) of the last five (5) completed calendar quarters or the last four (4) completed calendar quarters are eligible for paid family and medical leave.

Reasons for leave

Family leave means leave taken by a staff member 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 staff member's child during the first twelve (12) months after the child's birth, or the first (18) months after the placement of a child under the age of eighteen (18) within the staff member ; or
- B. 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 a staff member e from work made necessary by the staff member's own serious health condition as defined by RCW 50A.05.010(20).

Amount of leave

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

Staff members 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 staff member experiences a serious health condition with a pregnancy that results in incapacity.

Staff members 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 staff member experiences a serious health condition with a pregnancy that results in incapacity.

Staff member notice to the district

Staff members 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.

Staff members 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.

Staff members 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 staff member

Whenever the district becomes aware that a staff member is absent from work for more than seven (7) consecutive days to take family or medical leave, the district will provide the staff member with a written statement provided by the Employment Security Department of the staff member's rights.

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

Employment restoration

Upon return from paid family or medical leave, the staff member is entitled to be restored to the position of employment held by the staff member 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 staff member(s) who have taken medical leave, the district may require that staff member to receive certification from their health care provider that they are able to resume work.

The district may deny restoration to any salaried staff member who is among the highest paid ten percent (10) of its staff members if the following apply:

- A. Denial is necessary to prevent substantial and grievous economic injury to the operations of the staff member ;

- B. The district notifies the staff member of its intent to deny restoration on such basis at the time the district determines the injury would occur; and
- C. The leave has commenced and the staff member elects not to return to employment after receiving the notice.

The district may also deny restoration if the staff member would not otherwise have been employed at the time of reinstatement.

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

The rights described above only apply in the following circumstances: the district has fifty (50) or more staff members; the staff member has been employed by the district for twelve (12) months or more; and the staff member has worked for the district for at least one thousand-two hundred-fifty (1,250) hours during the twelve (12) months immediately preceding the date on which leave will commence.

II. Federal Family and Medical Leave

General provisions

Every staff member of the district who has worked for the district at least one (1) year and for at least one thousand-two hundred-fifty (1,250) hours in the preceding year 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 staff member who is under the age of eighteen (18) at the time of placement for adoption, or a newly placed foster child;
- B. Care for a spouse, parent or child of the staff member who has a serious health condition, or the staff member may obtain leave for his/her own serious health condition if it renders the staff member unable to perform his/ her job; or
- C. Respond to a qualifying exigency occurring because the staff member's spouse, son, daughter or parent is on active duty or has been notified of pending active duty in support of a contingency operation.

Staff member who is the spouse, son, 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. Instructional staff members may not take reduced or intermittent leave when it would constitute twenty (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 staff member may be transferred to an alternative equivalent position that would accommodate reduced or intermittent leave, if such a position is available.

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

The Superintendent or designee may require written verification from the staff member's health care provider when the staff member is taking medical leave based on his/her own serious health condition.

The district may obtain the opinion of a second health care provider, at district expense, concerning any information pertinent to the staff member's leave request. If the opinions of the health care providers differ on any matter determinative of the staff member's eligibility for family leave, the two (2) health care providers will select a third provider, whose opinion, obtained at the staff member's expense, will be conclusive.

Birth or adoption

Leave taken for newborn or adopted childcare will be completed within one (1) year after the date of birth or placement for adoption.

The district will grant leave upon the same terms to all staff members as is available to other staff members upon the birth or adoption of the staff member's child. Leave will be granted upon the same terms to staff members who become adoptive parents/guardians or stepparents/guardians, at the time of birth or initial placement for adoption of a child under the age of six (6), as is available to staff members who become biological parents. Such leave is available only when the child lives in the staff member's household at the time of birth or initial placement.

Staff member's 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 thirty (30) days prior to the beginning date of the leave. The notice will include the approximate beginning and ending dates for the leave requested.

If both parents/guardian of a newborn or newly adopted child are employed by the district, they will be entitled to a total of twelve (12) work weeks of family leave during any twelve (12) month period, and leave will be granted to only one (1) parent at a time. There is no pooling effect if the family leave is related to a serious health condition.

Employment restoration

Any staff member returning from an authorized family leave will be entitled to the same position held by the staff member when the leave commenced, or to a position with equivalent benefits and pay.

A staff member may be denied restoration under the following circumstances: 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 staff member on family leave takes a position with another employer outside the home, c) the staff member fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave, d) or as otherwise allowed by law. If an

staff member fails to return from family leave, the district may recover the costs of the staff member's health benefits paid during the leave.

Instructional staff member(s) may be required to delay their return from family leave to the beginning of the next semester under the following circumstances:

- A. The staff member began leave five (5) or more weeks before the end of the semester, the leave is for more than three (3) weeks, and the staff member would otherwise return to work within three (3) weeks of the end of the semester.
- B. The staff member began family leave (except for a personal health condition) less than five (5) weeks before the end of the semester, the leave is for more than two (2) weeks, and the staff member would otherwise return to work within two (2) weeks of the end of the semester.
- C. The staff member began family leave (except for a personal health condition) three (3) or fewer weeks before the end of the semester and the period of leave is more than five (5) working days.

III. 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 sixty (60) days, unless an actual period of disability which begins prior to the date of birth or continues beyond sixty (60) days is otherwise verified in writing by the staff member's physician.

If the staff member'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 will pay the premiums for any district insurance plans to keep coverage in effect for the staff member and their family.

Notice

A pregnant staff member is requested to notify their immediate supervisor and the Superintendent or designee by the beginning of the fifth month of pregnancy.

At the time of such notice the staff member will submit a written request to their immediate supervisor and the Superintendent or designee for one (1) or more of the following:

1. Maternity leave for the period of their actual disability due to pregnancy or childbirth;
 - A. Family leave for a period of up to twelve (12) weeks, in addition to any period of maternity disability leave, the district will extend the staff member's health benefit during this period of unpaid leave;
Leave of absence for a period of up to the beginning of the next school term or school year. Such extended leave of absence will 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 his/her personal physician or licensed practitioner; or Termination of employment by resignation.

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

Employment conditions

A pregnant staff member may continue working as long as she/he is capable of performing her/his normal duties, with the written approval of he/his physician or licensed practitioner.

The staff member will return to work when physically able to perform her/his duties. If the staff member intends to return to work within sixty (60) days of childbirth, her/his personal physician or licensed practitioner must certify that the staff member is in good health and ready to resume her/his duties.

No later than thirty (30) days after the date of birth, the staff member is requested to notify the Superintendent or designee of the specific date when she/he will return to work. Unless the Superintendent or designee approves an earlier date of return, the staff member will give at least fourteen (14) days advance notice of the actual date of return.

The staff member will return to her/his duties following an extended leave of absence on the date approved by the Superintendent or designee. If the staff member is still experiencing a disability due to pregnancy, miscarriage, abortion, childbirth or recovery which prevents the staff member from performing her/his 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 staff member's personal physician or licensed practitioner.

Assignment upon return

A staff member who has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth or up to twelve (12) weeks of family leave will return to the same assignment, or a similar position for which she/he is qualified with at least the same pay and benefits, as she/he 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/he is qualified. An effort will be made to place the staff member in her/his original position or in a comparable position.

- Cross References:
- 5020 - Collective Bargaining
 - 5021 - Conflicts Between Policy and Bargaining Agreements
 - 5050 - Contracts
 - 5211 - Assignment, Reassignment and Transfers
 - 5215 - Assignment and Transfer of Certificated Administrative Staff
 - 5310 - Compensation

5400 - Personnel Leaves
5402 - Maternity Leave
5403 - Emergency and Discretionary Leave
5407 - Military Leave
5409 - Discretionary Leaves
5411 - Contracts

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 Family and Medical Leave Act of 1993

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