

## **MILITARY FAMILY LEAVE**

### **Conditions of Family Leave**

Any conditions applicable to current FMLA leave are applicable to military family leave.

### **Employee Rights**

If you and your spouse are both employed by Puget Sound ESD, and the two of you are taking leave because of a qualifying exigency and any of the other leaves currently available under the FMLA, as is currently the case, the two of you are entitled to a total of 12 weeks, rather than 12 weeks each. The ESD is not required to grant both parents leave at the same time.

If you and your spouse are both employed by Puget Sound ESD, and the two of you are taking military caregiver leave and any other FMLA leave, you are entitled to a total of 26 work-weeks of leave, rather than 26 work-weeks of leave each. Limitations of 12 weeks for any leave other than military caregiver leave are still valid. The ESD is not required to grant both parents leave at the same time.

Any accrued paid leave you have available may be used for military family leave under the Washington Military Family Leave Act or the FMLA under the same terms and conditions as for non-military FMLA leave. If paid leave is unavailable, military family leave is still available to an eligible employee on an unpaid basis.

An employee shall retain the benefits accrued before the leave. The employee will receive health benefits during the leave, provided the employee pays his/her share of the contribution and other benefits may be retained at the employee's expense. Subject to Superintendent or designee approval, an employee may take a reduced leave schedule.

Employees who feel their rights to the above family leave provision have been violated may utilize grievance procedures contained in the collective bargaining agreement or Board Policy or may file a complaint with the Washington State Department of Labor and Industry.

### **Employer Rights**

The employer may deny job restoration to a salaried employee who is among the highest paid 10% of employees. If the employer has reason to doubt the medical certification provided by the service-member's health care provider as part of the initial leave request, the employer may, at the employer's expense, obtain an opinion from a second health care provider of the employer's choosing. The employer may recover the premium that the employer paid for maintaining coverage for the employee under any group health plan during any period of unpaid leave.

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