

FAMILY MEDICAL LEAVE: 5404

1. An employee, whether male or female is entitled to twelve (12) work weeks of family leave during any twelve (12) month period. An employee is anyone who was employed by the District on a continuous basis for the past fifty-two (52) weeks for at least 1,250 hours of service during those fifty-two (52) weeks, excluding authorized leave or periods of time in which persons do not report to work but have a continuing employment relationship and do not collect unemployment benefits.
2. Family leave may be taken: (a) because of the birth of a child and to care for a newborn child, (b) because of the placement of a child with the employee for adoption or foster care, (c) to care for a child or a spouse or parent who has a serious health condition, or (d) because of the employee's own serious health condition. The District may require confirmation by a health care provider of the employee's need for family leave.
3. If both parents of the child are employed by the District, they together are entitled to a total of twelve (12) weeks of leave and leave may be granted to only one parent at a time. Leave taken to care for a newborn or newly-adopted child must be completed within twelve (12) months after the birth or adoption. Leave taken to care for a terminally ill child may be taken only once for any given child.
4. "Child" is defined as a biological, adopted or foster child, a stepchild, a legal ward who is under eighteen (18) years of age or incapable of self-care due to a mental or physical disability. A "serious health condition" is one caused by injury, illness, impairment, or physical or mental condition that involves (a) inpatient care or (b) continuing treatment by a health care provider.
5. The family leave may be without pay for all or part of the leave. The employee may choose or the District may require the employee to substitute and use his/her total accumulation of paid leave to which he/she otherwise entitled before going on family leave.

Health benefits provided under any group health plan will be continued for the duration of the leave at the level and under conditions coverage would have been provided if the employee had continued in employment during the leave. However, if the employee fails to return from leave, the employee must reimburse the school district for all premiums paid during the leave.

6. The family leave is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.
7. An employee who plans to take family leave must provide the District with written notice at least thirty (30) days in advance, unless the family leave is not foreseeable, in which case the employee must notify the District of the expected leave within one (1) working day of the beginning of the leave.

Adopted and Revised under Policy Governance - 10/11/11
Formerly Policy – 5327; Adopted or Previously Revised - 11/13/01, and
Procedure – 5327P; Adopted or Previously Revised – 10/22/02

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8. Upon returning from family leave, the employee is entitled to be returned to the same position he/she previously held or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
9. Any employee who works principally in an instructional capacity and would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, may be required to take leaves for periods of particular duration or to transfer temporarily to an alternative equivalent position that better accommodates the leave.
10. Any employee who works primarily in an instructional capacity and requests a period of leave near the conclusion of the academic term may be required to continue the leave until the end of the term.

Cross References: Administrative Policy – 5401 Sick Leave
Administrative Policy – 5402 Maternity Leave
Administrative Policy – 5406 Leave Sharing
Administrative Policy – 5409 Discretionary Leave

Legal References: RCW 49.78 Family Leave
P.L. 10303 Family and Medical Leave Act of 1993
29 U.S.C. 2601 “
29 CFR Pt. 825 “