

## **FAMILY MEDICAL LEAVE**

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The Mead School District (“District”) provides family and medical leave for eligible employees pursuant to the Family and Medical Leave Act of 1993 (“FMLA”) and the Washington Family Leave Act (“WFLA”). The WFLA generally provides the same unpaid leave benefits (but not continuation of health care) as the FMLA, and has the same eligibility requirements. If an employee takes FMLA leave, that leave generally also qualifies as WFLA leave (i.e. the periods of FMLA leave and WFLA leave run concurrently, except in certain circumstances with leave due to a pregnancy-related disability or leave to care for a Washington State-registered domestic partner).

Eligible employees are entitled to Family and Medical Leave on the terms and conditions stated below, the regulations issued by State and Federal law and the District’s other applicable leave policies.

1. For purposes of family and medical leave:

- A. “Eligible Employee” means any regular employee of the district who has worked for the district at least one year and has worked for at least 1,250 hours in the 12-month period immediately preceding the commencement of the requested leave. Time that is paid but not worked is not counted toward the 1,250 hours, except in limited circumstances as required by law.

Substitute employees shall be considered eligible for family and medical leave, subject to the Family and Medical Leave Act and their contract provisions, if they have worked for Mead School District:

1. For at least twelve (12) months, and
  2. For at least 1,250 hours during the 12-month period preceding the start of the leave, and
  3. If they are receiving benefits at the time they request their leave.
- B. "Incapable of self-care" means that s/he is incapable of performing several of the basic activities of daily life without the assistance of another person.
- C. "Spouse" is defined in accordance with State laws.
- D. "Serious health condition" covers conditions or illnesses affecting one's health to the extent that inpatient care is required or absences are necessary on a recurring basis or for more than 3 consecutive calendar days combined with at least two visits to a health

care provider or one visit and a regimen of continuing treatment. Prenatal care is explicitly included; routine physical examinations are explicitly excluded.

- E. "Leave Year" is defined and measured as the fiscal year (September 1 – August 31).
- F. "Covered Service Member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- G. "Qualifying Exigency" means one or more of the following circumstances:
  - 1. Short-notice deployment – to address any issues that may arise due to the fact that Covered Military Member received notice of the deployment seven (7) or less calendar days prior to the date of deployment;
  - 2. Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to the Covered Military Member's active duty; or to attend family support or assistance programs and informational briefings sponsored by the military;
  - 3. Child care and school activities – to arrange for alternative childcare; to provide childcare on an urgent or immediate basis; to enroll or transfer a child to a new school; and to attend meetings with school staff that are made necessary by the Covered Military Member's active duty or call to active duty;
  - 4. Financial and legal arrangements – to make or update financial or legal arrangements related to the Covered Military Member's absence while on active duty; and to act as the Covered Military Member's representative with regard to obtaining, arranging or appealing military benefits;
  - 5. Counseling – to attend counseling sessions related to the Covered Military Member's deployment or active duty status;
  - 6. Rest and recuperation – to spend up to five (5) days with a Covered Military Member who is on short-term, temporary rest and recuperation leave;
  - 7. Post-deployment activities – to attend ceremonies and reintegration briefings for a period of 90 days following the termination of the Covered Military Member's active duty status; and to address issues arising from the death of a Covered Military Member ; and/or
  - 8. Other activities that the District and employee agree qualify as an exigency.
- 2. An eligible employee is entitled to a total of twelve (12) workweeks of FMLA and/or WFLA during each Leave Year in the event of one or more of the following:
  - A. Care for a newborn child, an adopted child of the employee who is under the age of eighteen at the time of placement for adoption, or a newly placed foster child; or
  - B. Caring for the employee's seriously ill spouse/domestic partner or a, child under eighteen (18) years of age or a child over age 18 who is "incapable" of self-care because of a mental or physical disability.

- C. A "serious health condition" that makes the employee unable to perform her/his job functions.
  - D. Respond to a qualifying exigency occurring because the employee's spouse, son or daughter or parent is on active duty or has been notified of pending active duty in support of a contingency operation. Under the terms of the FMLA, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the regular Armed Forces.
3. Any leave taken under one or more of these circumstances will be counted against the employee's total entitlement to FMLA and/or WFLA leave for that Leave Year.
  4. In addition to the FMLA and/or WFLA Leave described above, a female employee may also be entitled to Pregnancy Disability Leave (described in more detail in policy 5402) for the actual period of sickness or temporary disability because of pregnancy or childbirth.
  5. If leave is taken for birth or placement for adoption or foster care and both spouses work for the Mead School District, the family and medical leave that may be taken by either spouse is limited to a combined total of twelve (12) work weeks, provided that any period of physical disability taken by the biological mother shall not be included in the twelve (12) week limitation 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.
  6. If leave is taken for newborn or adopted-child care it shall be completed within one year after the date of birth or placement for adoption.
  7. Leave to care for a seriously ill family member or because of the employee's own serious health condition may be taken whenever medically necessary.
  8. Employees may be required to use paid leave available under any benefit programs such as accrued vacation, unused sick or annual days upon the commencement of, and concurrently with their FMLA and/or WFLA absence. However, employees have the option to elect to maintain up to 40 hours of annual leave and/or 40 hours of sick leave in reserve. Once employees exhaust their available sick, vacation, and other paid time off, FMLA and/or WFLA leave is unpaid. When available, paid leave will run concurrently with and be counted toward the employee's total FMLA and/or WFLA leave.

### **Military Caregiver Leave**

An employee who is the spouse, son or 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 12 month period to care for the service member.

## **Intermittent or Reduced Schedule Leave**

1. Family leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the superintendent or his designee or where intermittent or reduced leave is medically necessary.
2. Employees should consult with their supervisor when giving notice regarding planned medical treatments and make reasonable efforts to schedule the leave so as to not unduly disrupt the District's operations, subject to the approval of the health care provider.
3. If an employee requests intermittent leave to care for a seriously ill family member or for the employee's own serious health condition and the need for leave is foreseeable based on planned medical treatment, the district may temporarily transfer the employee to an available alternate position with equivalent pay and benefits, if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular position.
4. The District may require instructional employees who request intermittent (or reduced workday) leave for planned medical treatment for more than 20 percent (20%) of the total number of days in the period during which the leave would be used to elect to:
  - a. Take leave for a particular duration of time which is not greater than the duration of the planned treatment, or
  - b. To be transferred to an alternative position.
5. Instructional employees who request a period of leave near the end of an academic term may be required to continue taking leave until the end of the term.
6. When an employee seeks intermittent leave due to a FMLA and/or WFLA-qualifying reason for which the District has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for "FMLA" leave.

## **Employee Notice Requirements**

1. Employees are required to provide the District with sufficient information to make it aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Sufficient information may include the following:
  - a. That the employee is unable to perform his or her job functions
  - b. That the employee's family member is unable to perform his or her daily activities
  - c. That the employee or his or her family member must be hospitalized or undergo continuing treatment; or the circumstances supporting the need for military family leave
2. An employee who plans to take family and medical leave must provide the District with the written notice at least thirty (30) days in advance, unless the leave is not foreseeable, in which case the employee must notify the District as soon as possible. Employees must follow District policy requiring advance notice forms, reasons for leave and anticipated start and duration of the leave. Failure to provide advance notice or following District policy when the need for leave is foreseeable may result in delay or denial of FMLA Leave. If the leave is not foreseeable, employees must provide notice to the District of need for leave as soon as possible and must follow standard sick leave procedures until

approved for leave. Failure to follow standard sick leave procedures, absent unusual circumstances, will result in delay or denial of the leave.

## **Certification Requirements**

1. The District may require certification (and subsequent recertification to support continuing leave) for medical leave and may require the employee to obtain a second medical opinion at the District's expense. The District may also require periodic reports from an employee on family and medical leave regarding the employee's status and intent to return to work. The District may also require medical certification that an employee is medically certified to return to work at the end of the leave.
  - a. The employee must return a complete and sufficient copy of the appropriate certification to the District within 15 calendar days of receiving the certification.
  - b. If the employee returns an incomplete or insufficient certification, the District shall advise the employee in writing what additional information is necessary to make the certification complete and sufficient.
  - c. In order to cure the deficiency, the employee must then return a complete and sufficient certification to the District within seven (7) calendar days.
  - d. If the employee fails to cure a deficiency in certification, or fails to return a certification, within the prescribed time period, the District may deny the taking of leave.
2. A representative of the District's HR department may contact the employee's health care provider to clarify or authenticate the medical certification submitted for leave for the employee's own serious health condition or the serious health condition of a family member.
3. Leave to care for a covered service member with a serious injury or illness should be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.
4. Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.
5. The District may request recertification at any time during the course of the leave for the employee's own serious health condition if:
  - a. There is no minimum duration of incapacity specified on the original medical certification.
  - b. The employee requests an extension of leave or the initial return date specified has changed.
  - c. The circumstances of the employee's condition as described in the previous certification have changed significantly.

- d. The district has reason to suspect that an employee on FMLA leave has fraudulently obtained the FMLA leave.
6. Employees are required to give additional notice as soon as practicable whenever there is a change in the dates of scheduled leave.

### **Return to Work**

1. The District may require that the employee's health care provider complete a fitness-for-duty/Return to Work certification that specifically addresses whether the employee is able to perform the essential functions of his or her job before the employee can return to work. If the District has a "reasonable safety concern," it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave, up to once every 30 days. A "reasonable safety concern" means a reasonable belief of significant risk of harm to the individual employee or others.
2. Any employee returning from an authorized family 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.

### **Continuation of Group Health Benefits**

1. The District will maintain the employee's coverage under a group health plan during the period of FMLA leave under the same terms and conditions as though the employee were actively working. During the leave, the employee will be required to make all premium payments that he/she otherwise would have had to make if actively employed. Where feasible, the District will advise the employee concerning the necessary arrangements for such payments prior to the commencement of the leave.
2. If the employee fails to make timely payment of his/her portion of the premium, the District shall cease to maintain health coverage for the duration of the FMLA leave. Upon the employee's return to work, the employee's group health benefits will be restored to the terms that would have been provided if the employee had continued in employment for the duration of such leave.
3. If the employee fails to return from Family and Medical Leave, the District may deduct from any sums owed to the employee for all premiums paid during the leave. Any amount not received by deduction, the former employee must reimburse directly to the district with the exception that an employee who fails to return due to a serious health condition or to circumstances beyond the employee's control will not be required to repay the premiums paid by the District. If an employee is paid through any other benefit programs simultaneously with the unpaid FMLA Leave, the District is not entitled to a refund of premiums paid during the period of paid leave.

**Adopted:** August 20, 2012  
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