

POLICY NO. 4330
Adopted: 9-14-94

FAMILY LEAVE

POLICY:

The Lake Stevens School District recognizes that employees may, on occasion, need extended leave in order to care for themselves or for an immediate family member. Pursuant to the provisions of the Family and Medical Leave Act of 1993, the Lake Stevens School District Board of Directors directs the Superintendent to implement regulations providing appropriate family and medical leave for all eligible employees.

References:

Family Medical Leave Act of 1993
RCW 49.78 - Family Leave Act
WAC 296-130 - Family Care Regulations
WAC 162-30 - Sex Discrimination Regulations

FAMILY LEAVE

PROCEDURES:

The following procedures are adopted by the Lake Stevens School District to implement the generally unpaid federal Family and Medical Leave Act (FMLA).

1. An employee, whether male or female, is entitled to twelve (12) work weeks of family leave during any twelve- (12) month period, provided that such employee was employed by the Lake Stevens School District on a continuous basis for the previous 52 weeks for at least 1,250 hours of compensable service, excluding authorized leave 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 medical leave may be taken:
 - a. because of the birth of a child and to care for a newborn child; or
 - b. because of the placement of a child with the employee for adoption or foster care; or
 - c. to care for a *child, spouse, or parent who has a serious health condition; or
* "child" is defined as a biological, adopted, foster, stepchild, or a legal ward who is under 18 years of age or incapable of self care due to a mental or physical condition.
 - d. because of the employee's own *serious health condition.
* A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves (1) an overnight stay in a hospital, hospice, or residential medical care facility, or (2) an absence from work, school, or regular daily activities of more than three days combined with continuing treatment or supervision by a health care provider, or (3) continuing treatment or supervision for a chronic or long-term condition which is incurable, or which would likely result in a more than three-day period of incapacity if left untreated, or (4) for caring for a parent.
3. If both parents are employed by the District, they may take FMLA leave to care for a new child together, but the FMLA limits their aggregate leave to twelve (12) weeks in a twelve- (12) month period. Leave taken to care for a

newborn or newly adopted child must be completed within twelve (12) months after date of the birth or adoption.

4. An employee who plans to take family leave should provide the District with written notice at least thirty (30) days in advance. If the family leave is not foreseeable, and thirty (30) days notice cannot be given, the employee should notify the District of the expected leave at the earliest date possible.
5. 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.
6. For an employee employed principally in an instructional capacity who requests family care or personal disability leave that is foreseeable based on planned medical treatment, and which leave would be for greater than twenty (20) percent of the total number of working days for the period during which the leave would extend, the District may require that such employee elect either to:
 - a. take leave for periods of a particular duration, not to exceed the duration of a planned medical treatment; or
 - b. transfer temporarily to an available alternative position offered by the District for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave.
7. Any employee who works primarily in an instructional capacity, and who 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.
8. An employee on leave remains subject to legitimate job changes and reductions in force that occur during the leave.
9. Health benefits (medical, dental, and vision) will be continued for the employee during the leave with the District paying the same portion of the premium as it did while the employee was at work. However, if the employee fails to return from leave, the employee must reimburse Lake Stevens School District for all premiums paid during the leave. Unless otherwise paid, these dollars will be taken out of the employee's last paycheck or pursued through alternate channels.
10. Family medical leave will be implemented upon request from the employee or when all other leaves have been exhausted.

11. An employee is not entitled to unemployment compensation during the leave even if the leave is unpaid.
12. When leave is requested to be taken for the birth or placement of a child for adoption or foster care, the leave may not be taken intermittently or on a reduced leave schedule unless the employee and District agree otherwise. However, when leave is taken to care for a sick family member, or due to the employee's own serious health condition, leave may be taken intermittently, or on a reduced schedule, when medically necessary.
13. The District may require that any leave request be supported by certification from a health care provider. The employee shall provide certification, upon request, within 15 calendar days the certification must contain:
 - a. The date the serious health condition began;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts regarding the condition;
 - d. If the leave is based on care of a spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that this need will continue;
 - e. If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job; and
 - f. In the case of intermittent leave, or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.
14. The District may require an employee returning from leave due to a serious health condition to obtain certification from an approved health care provider that the employee is able to resume work.
15. The District shall not terminate nor in any other manner discriminate against employees for taking advantage of their rights to leave or opposing the District's denial of those rights.
16. It is the intent of the FMLA to set a base level of leave for employees under certain conditions. It is recognized that in some instances, the state law regarding leaves has provisions which exceed federal law. However, nothing in the law or these procedures shall prohibit the District from reviewing each staff member's request for leave on an individual basis and

authorizing additional unpaid leave based on conditions found acceptable to the Board of Directors.