

Family, Maternity and Caregiver Leave

Purpose

The purpose of this policy is to provide guidelines for the use of family, medical, maternity and military caregiver leave.

Scope

This policy applies to all employees of the Valley School District.

Policy

1. FAMILY AND MEDICAL LEAVE

- 1.1. The Valley School District will provide up to twelve (12) work weeks of unpaid leave during any contract year for employees, subject to the eligibility requirements of the Family Medical Leave Act (FMLA). This leave is to be used to:
 - (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.
 - (b) Care for a spouse (husband, wife or state registered domestic partner), parent or child of the employee who has a serious health condition.
 - (c) Care for himself/herself if the employee has a serious personal health condition that renders the employee unable to perform his/her 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.
- 1.2. If leave is requested for birth or placement for adoption or foster care and both spouses are employed by the Valley School District, the amount of family medical leave that can be taken is limited to a combined total of twelve (12) workweeks for both employees, provided that any period of physical disability taken by the biological mother will not be included in the twelve (12) week limitation. Family and medical leave will be granted without pay for all or part of the leave, as applicable, during the contract year.
- 1.3. The district will grant leave upon the same terms to male employees as is available to female employees upon the birth or adoption of the employee's child. Leave will be granted upon the same terms to employees who become adoptive parents or stepparents, at the time of birth or initial placement for adoption of a child under the age of six, as is available to employees who become biological parents. Such leave is available only when the child lives in the employee's household at the time of birth or initial placement.
- 1.4. The district will provide a total of fifteen (15) days of unpaid military family leave per deployment, as required by FMLA.

2. MATERNITY LEAVE

2.1. A staff member may use accumulated, paid sick leave for the period of actual disability attributable to pregnancy or childbirth. This period of disability will extend from the date of birth for a period of not more than forty-five (45) calendar days, unless an actual period of disability, which begins prior to the date of birth or continues beyond 45 days, is otherwise verified in writing by the employee's physician.

2.1.1. If the employee's accumulated sick leave is exhausted during the period of maternity disability, the district will grant a leave of absence without pay, upon the staff member's request, for the remainder of the period of actual disability due to pregnancy or childbirth.

2.1.2. During any unpaid portion of such leave of absence, the staff member may pay the premiums for any district insurance plans to keep coverage in effect for the employee and her family.

2.2. Notice Required

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

2.2.2. At the time of such notice, the staff member is required to submit a written request to her immediate supervisor and the Superintendent or designee for one or more of the following:

(a) Maternity leave for the period of her actual disability due to pregnancy or childbirth.

(b) 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 employee's health benefit during this period of unpaid leave.

(c) Unpaid leave of absence for a variable period lasting up to the beginning of the next school term or school year. Such extended leave of absence may be approved at the discretion of the Superintendent, and will be based upon consideration of district needs and the desires of the staff member together with the recommendation of her personal physician or licensed practitioner.

(d) Termination of employment by resignation.

2.2.3. The written notice to the district must include the approximate beginning and ending dates for the leave.

2.3. Employment Conditions

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

- 2.3.2. The staff member may return to work when physically able to perform her duties. If the employee intends to return to work within 45 days of childbirth, her personal physician or licensed practitioner must certify that the staff member is in good health and ready to resume her duties.
- 2.3.3. No later than thirty (30) days after the date of birth, the staff member is required to notify the Superintendent or designee of the specific date when she expects to return to work. Unless the Superintendent approves an earlier date of return, the employee will give at least fourteen (14) days advance notice of the actual date of return.
- 2.3.4. The staff member will return to her duties following an extended leave of absence on the date approved by the Superintendent. If the employee is still experiencing a disability due to pregnancy, miscarriage, abortion, childbirth or recovery which prevents the employee from performing her duties on the scheduled date of return, an additional period of unpaid leave of absence may be approved at the discretion of the Superintendent, and will be based upon consideration of district needs and the recommendation of the employee's personal physician or licensed practitioner.

2.4. Assignment Upon Return

- 2.4.1. An employee who has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth, or up to twelve weeks of family leave, will return to the same assignment, or a similar position for which she is qualified with at least the same pay and benefits, as she held prior to the maternity leave or family leave.
- 2.4.2. Upon return from an extended maternity leave, the district will make an effort to place the staff member in her original or a comparable position for which she is qualified, subject to the availability of such a position.

3. PATERNITY LEAVE

A male employee, upon request, may be granted up to five (5) days paid leave on or about the birth date of his child. Such leave will be deducted from his available sick leave.

4. 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 twelve (12) month period to care for the service member.

5. RIGHT TO APPLY FOR OTHER LEAVE

Nothing in this policy will preclude a staff member's right to apply for any other applicable leave as provided by Board policy.

6. RETURN TO WORK

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

7. The Superintendent or designee will develop procedures to implement this policy.

Related Procedures

5404P1-Family, Maternity and Caregiver Leave

Policy Cross References

5401-Sick Leave

5413-Compensated Leave

Policy Legal References

RCW 28A.400.300 – Hiring and discharging employees — Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers

Chapter 49.78 RCW – Family Leave

WAC 162-30-020 – Pregnancy, childbirth, and pregnancy related conditions

29 USC Sec 2601 – Family and Medical Leave Act of 1993

Management Resources

Policy News, October 2011

Policy News, April 2009

Policy History

Action:	Date:
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Revised	

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