

## **Family, Military, and Military Caregiver Leave**

Every employee of the Green Mountain School District who has been continuously employed, excluding school breaks, for the district at least one year and for at least 1,250 hours in the preceding year, is entitled to twelve (12) work-weeks of family leave during any twelve (12) month period 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, parent or child of the employee who has a serious health condition, or the employee may obtain leave for a personal health condition if it renders the employee unable to perform his or her job; or
- C. 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.

Leave taken for newborn or adopted childcare must be completed within one year after the date of birth or placement for adoption. Family leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the superintendent or where intermittent or reduced leave is medically necessary. An instructional employee may be transferred to an alternative equivalent position that would accommodate reduced or intermittent leave, if such a position is available.

A period of family leave is in addition to any sick leave taken due to the employee's temporary disability attributable to pregnancy or childbirth.

If both parents of a newborn or newly adopted child are employed by the school district, they are entitled to a total of twelve work-weeks of family leave during any twelve month period, and leave will 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.

The superintendent may require written verification from the employee's health care provider. The district may obtain the opinion of a second health care provider, at district expense, concerning any information pertinent to the employee's leave request. If the opinions of the health care providers differ on any matter determinative of the employee's eligibility for family leave, the two health care providers will select a third provider, whose opinion, obtained at the employer's expense, will be conclusive.

### **Maternity Leave**

A staff member may use accumulated, paid sick leave for the period of actual disability attributable to pregnancy or childbirth. This period will extend from the date of birth for a period of not more than sixty (60) days, unless an actual period of disability which begins prior to the date of birth or continues beyond sixty (60) days is otherwise verified in writing by the employee's physician.

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

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.

**A. Notice Required**

A pregnant staff member is requested to notify the superintendent by the beginning of the fifth month of pregnancy.

At the time of such notice the staff member will submit a written request the superintendent for one or more of the following:

1. Maternity leave for the period of her actual disability due to pregnancy or childbirth;
2. Family leave for a period of up to 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;
3. Leave of absence for a period of 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 based upon consideration of educational program needs and the desires of the staff member, together with the recommendation of her personal physician or licensed practitioner; or
4. Termination of employment by resignation.

The notice to the district will include the approximate beginning and ending dates for the leave.

**B. Employment Conditions**

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.

The staff member may return to work when physically able to perform her duties. If the employee intends to return to work within sixty (60) 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.

No later than thirty (30) days after the date of birth, the staff member is requested to notify the superintendent of the specific date when she will 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.

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 based upon consideration of educational program needs and the recommendation of the employee's personal physician or licensed practitioner.

**C. Assignment upon Return**

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.

Upon return from an extended maternity leave, a staff member will be entitled to a position in the district subject to the availability of a position for which she is qualified. An effort will be made to place the staff member in her original position or in a comparable position.

***Right To Apply For Other Leave***

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

**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.

**Return to Work**

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

Reinstatement of an employee returning from family leave need not occur if:

- a) the specific job is eliminated by a *bona fide* restructuring, or a reduction-in-force resulting from lack of funds or lack of work,
- b) an employee on family leave takes a position with another employer outside the home, or
- c) the employee fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave.

If an employee fails to return from family leave, the district may recover the costs of the employee's health benefits paid during the leave.

## **Green Mountain School District No. 103**

Effective Date: March 22, 2017

## **Board Policy 5404**

### **Section: Personnel**

#### **Cross References:**

- 2030 Service Animals in Schools
- 5270 Resolution of Staff Complaints
- 5407 Military Leave

#### **Legal References:**

- RCW 28A.400.310 Law against discrimination applicable to districts' employment practices
- RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
- RCW 28A.642 Discrimination prohibition
- RCW 49.60 Discrimination — Human rights commission
- RCW 49.60.030 Freedom from discrimination — Declaration of civil rights
- Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)
- RCW 49.60.180 Unfair practices of employers RCW 49.60.400 Discrimination, preferential treatment prohibited
- RCW 73.16 Employment and Reemployment
- WAC 392-190 Equal Education Opportunity - Unlawful Discrimination Prohibited
- WAC 392-190-0592 Public school employment — Affirmative action program
- 42 USC 2000e1 - 2000e10 Title VII of the Civil Rights Act of 1964
- 20 USC 1681 - 1688 Title IX Educational Amendments of 1972
- 42 USC 12101 - 12213 Americans with Disabilities Act
- 8 USC 1324 (IRCA) Immigration Reform and Control Act of 1986
- 38 USC 4301-4333 Uniformed Services Employment and Reemployment Rights Act
- 29 USC 794 Vocational Rehabilitation Act of 1973
- 34 CFR 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
- 38 USC 4212 Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)

#### **Management Resources:**

- Policy News December 2014
- Policy News June 2013
- Policy News June 2011
- Policy News February 2011
- Policy News August 2007
- Policy News June 2011

#### **Classification: Priority**

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