**Operating Policy No. 5404**

**Human Resources**

**FAMILY, MEDICAL AND MATERNITY LEAVE**

Puget Sound Educational Services District (PSESD) provides reasonable leave upon the birth or adoption of a child/ren and to allow for the care of spouse, child, or parent with a serious health condition. Every employee of the PSESD who has worked for the agency at least one-year and for at least 1,250 hours in the preceding year is entitled to up to twelve (12) workweeks of paid or unpaid family medical leave during any rolling twelve (12) month period to:

1. Care for the employee’s newborn child, an adopted child who is under the age of eighteen at the time of placement for adoption, or a newly placed foster child;
2. Care for a spouse, parent or child of the employee who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform his or her job.

Full & continuous or intermittent leave may be granted upon written notification by a licensed healthcare provider and approval of the human resources administrator. Eligible instructional staff requesting intermittent leave or leave on a reduced schedule to care for a family member with a serious health condition, to care for a covered service-member, or for the employee’s own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, PSESD may require the employee to choose either to:

1. Take leave for a period or periods of a duration, not greater than the duration of the planned treatment; or
2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position

Family medical leave may be granted with or without pay. During the leave period use of accrued sick leave and annual leave is required before taking unpaid time off and runs concurrently with family medical leave.

**Birth or Adoption Leave**

Employees are eligible to receive five (5) days of leave with pay upon the birth or adoption of a child/ren.

Leave taken for newborn or adopted child/ren will 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 intermittent or reduced leave is approved by the human resources administrator.

If both parents are employed by PSESD, each that has satisfied the FMLA eligibility requirements is entitled to 12 workweeks of leave during the one-year period following birth or adoption placement.

PSESD 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/ren as is available to employees who become biological parents.

Employee requests for leave of absence due to birth or initial placement for adoption of a child will be submitted in writing, via the [Family and Medical Leave Request Form](https://pugetsoundesd.sharepoint.com/my/hr/Shared%20Documents/HR%20Forms/FMLA%20Request%20Form.pdf#search=fmla%20request)*,* to the human resources administrator not less than 30 days prior to the beginning date of the leave. The notice will include the approximate beginning and ending dates for the leave requested. Requests for leave associated with adoption or foster care placement shall be accompanied by documentation that would allow the employee to receive paid leave benefits.

### Maternity Leave

A staff member is required to use accumulated sick and/or annual leave for the period of actual disability attributable to pregnancy or childbirth upon verification in writing by the employee’s licensed healthcare provider

If the employee’s accumulated sick and/or annual leave is exhausted during the period of maternity leave, the PSESD will grant temporary disability leave which is without pay or benefits, 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 PSESD benefits insurance plans to keep coverage in effect for the employee and her family.

### Notice Required

A pregnant staff member is requested to notify her immediate supervisor and the human resources administrator in writing not less than 30 days prior to the beginning date of the leave.

At the time of such notice, the staff member will submit a *Request for Family Medical Leave/Maternity Leave* form to the human resources administrator

The human resources administrator will review the following options available to the employee:

1. Maternity leave for the period of actual disability due to pregnancy or childbirth;
2. Family medical leave for a period of up to 12 weeks, in addition to any period of maternity disability leave, the PSESD 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 or designee based upon consideration of educational program needs and the desires of the staff member, together with the recommendation of her licensed healthcare provider.

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

### Employment Conditions

Should the employee’s pregnancy impact her ability to perform the essential functions of her job, the staff member is required to provide written documentation from her health care provider and submit it to the human resources administrator.

When the employee is released to return to work from pregnancy disability leave, the employee is required to provide the human resources administrator at least 14 days’ notice or notice as soon as practicable, of her release to return to work. The release/documentation shall be provided in writing by her licensed healthcare provider.

The staff member will return to her duties following an extended leave of absence on the date approved by the human resources administrator. If the employee is still experiencing a disability due to pregnancy recovery which prevents the employee from performing her essential duties on the scheduled date of return, an additional period of unpaid leave of absence may be approved in accordance with PSESD Temporary Disability Leave. Educational program needs, and the recommendation of the employee’s licensed healthcare provider shall be considered.

### 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.

 **Definition of Terms**

***Child*** - means a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is:

1. under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

***Eligible Employees*** - means employees who have been employed for at least rolling 12 months and have served at least 1,250 hours with such employer during the previous rolling 12-month period.

***Rolling 12-month period*** *–* a 12-month period measured backwards from the date of any family medical leave usage.

***Benefits*** - means all benefits, including group life insurance, health insurance (medical, dental, vision), and employer-paid disability insurance.

***Licensed Health Care Provider*** - means a Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices or any other person determined by the Secretary of the US Department of Labor to be capable of providing health care services.

***Parent***- means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

***Reduced Leave Schedule*** - means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

***Serious Health Condition*** - means an illness, injury, impairment, or physical or mental condition that involves:

* Inpatient care (*i.e.,* an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (*i.e.,* inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
* Continuing treatment by a health care provider, which includes: A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that **also** includes
* treatment two or more times by or under the supervision of a health care provider *(i.e.,* in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**
* one treatment by a health care provider *(i.e.,* an in-person visit within 7 days of the first day of incapacity) with a continuous regimen of treatment *(e.g.,* prescription medication, physical therapy); **or**
1. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
2. Any period of incapacity or treatment for a chronic serious health condition which continues over any extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
3. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
4. Any absences to receive multiple treatment for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Adopted: June 1990
Revised: September 1999
Revised: May 1994

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Revised: August 2018

Relevant PSESD Board Governance Policies: EL 4, Treatment of Staff

Cross References:

Operating Policy No. 1000 Non-Discrimination

Operating Policy No. 1010 Racial Equity

Operating Policy No. 5400 Personnel Leaves

Operating Policy No. 5401 Sick Leave

Operating Policy No. 5406 Leave Sharing

Legal References:

RCW 28A.400.300

Hiring and discharging of employees –Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers

RCW 41.04.650-665 Leave sharing program

Chapter 49.12, RCW, as is herein after amended.

Family and Medical Leave Act of 1993 (Federal Act)

Code of Federal Regulations Part 825 The Family Medical Leave Act