

ANACORTES SCHOOL DISTRICT #103

Adoption Date: 2/3/05

Policy No. 5404
Personnel

FAMILY & MEDICAL LEAVE

The Anacortes 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 Anacortes School Board of Directors directs the superintendent to implement regulations providing appropriate family and medical leave for all eligible employees.

Family leave is unpaid leave in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

1. An employee, whether male or female, is entitled to twelve (12) work weeks of family leave during any twelve (12) month period. An employee is anyone who was employed by the Anacortes School District on a continuous basis for the previous 52 weeks for at least 1,250 hours of service during those 52 weeks, excluding authorized leave of periods of time in which persons do not report to work but have a continuing employment relationship and do not collect unemployment benefits. The 12-month period of eligibility for FMLA leave shall be different for each employee and shall be measured backward from the date any employee first uses any FMLA leave.
2. Family leave may be taken:
 - a. the birth of a child and to care for a newborn child; OR
 - b. the placement of a child with the employee for adoption or foster care, OR
 - c. caring for the employee's seriously ill spouse, parent, or child under age 18, or age 18 or older and 'incapable' of self-care because of a mental or physical disability,' OR
 - d. because of the employee's own serious health condition which makes the employee unable to perform his/her job functions.

"Incapable of self-care" means that he/she is incapable of performing several of the basic activities of daily life without the assistance of another person.

"Spouse" is defined in accordance with state laws. Unmarried domestic partners do not qualify for family and medical leave to care for their partner.

"Serious health condition" covers conditions or illness affecting one's health to the extent that inpatient care is required or absences are necessary on a recurring basis or for more than a few days of treatment or recovery. Prenatal care is explicitly included; routine physical examinations are explicitly excluded.

3. If both parents are employed by the District, they together are entitled to a total of twelve (12) weeks of family leave for the care of the child, and leave may be granted for this purpose to only one parent at a time.
4. Family leave taken to care for a newborn or newly-adopted child must be completed within twelve (12) months after the birth or adoption. Family leave taken to care for a terminally ill child may be taken only once for any given child in a twelve (12) month period of time. This leave may be taken in a block or intermittently. If the leave is taken intermittently, a written calendar stating the employee's work schedule shall be developed with a copy kept at the work site and the Personnel Office. The District may require confirmation by a health care provider of the employee's need for family leave.



ANACORTES SCHOOL DISTRICT #103

Policy No. 5404
Personnel

5. 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, the employee must notify the District no later than the fifth (5th) day of absence that a family leave is needed and must provide a written request for a family leave at that time.
6. An employee who works primarily in an instructional capacity, and who would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, may be required to take leave for periods of particular duration or to transfer temporarily to an alternative equivalent position that better accommodates the leave.

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.

7. Family and medical leave shall be without pay, for all or part of the leave. The district may require the employee to use all available hours of paid leaves including vacation, personal, or sick leave to which he/she is otherwise entitled as part of the 12-week family leave period. Once any paid leave is used up, the remainder of the 12-weeks of leave may be unpaid. The twelve (12) week accrual limitation includes all leaves taken for purposes that would otherwise qualify for family and medical leave, provided that any period of pregnancy-related physical disability taken by the biological mother shall not be included in the twelve (12) week limitation. Health benefits provided under any group health plan will be continued for the duration of the leave at the level and under conditions coverage would have been provided if the employee had continued in employment during the leave. If the employee fails to make timely payment of his/her portion of the premium, the district reserves the right to cease to maintain the employee's health coverage. HOWEVER, if the employee fails to return from the leave, the employee must reimburse the District for all premiums paid during the leave.

For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata or proportional basis. Employees not eligible for medical benefits will receive leave only. An employee is not entitled to unemployment compensation during the leave even if the leave is unpaid.

8. District approval is required for family and medical leave taken on an intermittent basis (such as working a reduced work) for the purpose of birth or because of placement for adoption or foster care. 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.
9. The District may require an employee taking leave due to a serious health condition to obtain certification from an approved health care provider that the employee is able to resume work.
10. 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.
11. An employee on family and medical leave remains subject to legitimate job changes and reductions in force that occur during the leave.

