



FAMILY & MEDICAL LEAVE INFORMATION

The Family and Medical Leave Act (FMLA) provides eligible employees with paid or unpaid, job-protected leave for specified family and medical reasons. While covered under the FMLA, the employee is afforded job reinstatement rights and the continuance of current health benefits.

EMPLOYEE ELIGIBILITY

- Employee has worked for the employer for at least 12 months as of the date the FMLA leave is to start, and
- Employee has at least 1,250 hours of service for the employer during the 12-month period immediately before the date the FMLA leave is to start.

QUALIFYING REASONS

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care, and to bond with the newborn or newly-placed child;
- To care for a spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. For all conditions “incapacity” means inability to work, including being unable to perform any one of the essential functions of the employee’s position, or inability to attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

- Any period of incapacity or treatment connected with Inpatient Care by a hospital, hospice or residential medical care facility.
- Incapacity requiring an absence of at least three (3) calendar days AND necessitates continuing treatment by a licensed health care provider.
- Any period of incapacity related to pregnancy and/or prenatal care
- A period of incapacity (or treatment) due to a chronic health condition (e.g., asthma, diabetes, epilepsy, etc)
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, stroke, terminal disease, etc)
- Any absence required to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatment)

DEFINITION OF IMMEDIATE FAMILY MEMBER

- Spouse - a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage.

- Parent - a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include “parents-in-law.”
- Son or daughter - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

EMPLOYEES NOTICE

- Employees must give at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so.
- If 30 days advance notice is not possible because the foreseeable situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical.

LEAVE

- Eligible employees can take up to 12 weeks of leave in a 12-month period.
 - If applicable, employee must arrange substitute coverage with their building administrator or supervisor.
- When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.
 - Intermittent leave will require an approved schedule by the building administrator or supervisor. If it is determined that intermittent leave will cause a hardship or disruption to the classroom, continuous leave may be granted in lieu of intermittent leave
- Eligible spouses who work for the same employer are limited to a combined total of 12 weeks of leave in a 12-month period to share
- FMLA is calculated on a “rolling” 12-month period measured backward from the date of any FMLA leave usage.

PAID LEAVE

Employees may elect to use accrued sick leave, personal leave and/or vacation leave prior to going on an unpaid status while on FMLA leave. The employee shall notify payroll of his/her intention regarding the use of paid and/or unpaid leave, as designated on the FMLA application form.

HEALTH BENEFITS

- An employee is entitled to the continuation of group health insurance coverage during FMLA leave on the same terms as if he or she had continued to work.
- An employee must continue to pay whatever share of group health plan premiums that the employee paid prior to FMLA leave.
- The employer will provide the employee with advance written notice of the terms and conditions under which these payments must be made. If premiums are raised or lowered, the employee is required to pay the new premium rates.
- Failure of the employee to return to work at the completion of FMLA leave entitles the District to recover its share of the benefit premiums paid during the leave period.

JOB REINSTATEMENT

Upon return from FMLA leave, the employee is entitled to reinstatement into his/her original position or placement into an “equivalent position” (same pay, status, working conditions and substantially similar duties and responsibilities). Failure to return to work at the conclusion of my FMLA leave period may be treated as a resignation unless an extension of leave has been agreed upon and approved by Rainier School District Human Resources.