3.16 *Pregnancy−Coordination of Leave Benefits: Childbirth Disability Leave (CDL), Family Medical Leave (FML) & Washington State Family Leave Act (FLA)*

Eligible employees will receive disability leave related to childbirth. Due to the complexity of administration of this policy, administrators should seek clarification from the Office of Human Resources or Office for Catholic Schools.

3.16 (A) Childbirth disability leave is provided for an expectant mother for the period of time before and after the birth of her child during which her doctor certifies that she is disabled. Pre- birth related disabilities may begin shortly before the birth, or, theoretically, could begin nine plus months before the actual birth. Post-birth related disabilities are typically for six to eight weeks. In the event that an employee becomes disabled early in her pregnancy, she should apply for Long Term Disability Leave, which may begin ninety days after her disability begins.

3.16 (B), To receive pay, if any, while on leave, the employee must use her sick leave concurrently.

3.16 (C) At the point an expectant mother becomes certified disabled by her health care provider, CDL begins, affording job protection for as long as the employee remains disabled due to pregnancy.

3.16 (D) Concurrently, Family and Medical Leave (FML) will begin and affords both job protection and benefit continuation for up to twelve weeks from the point of disability.

3.16 (E) At the point the employee is certified as not disabled, the CDL ends and Washington State Family Leave Act (FLA) begins. FLA provides for job protections for up to an additional twelve weeks beyond the end of CDL but not benefit continuation (it does require allowing self-pay). FLA may run concurrently with FML for the remainder of the FML twelve weeks (affording benefit coverage during the remaining FML).

3.16 (F) All leaves described above are without pay unless the employee has time off benefits (sick or personal leave) in accordance with Archdiocesan policy.

3.16 (G) Employees who at the end of FML remain disabled may qualify (90 days from point of disability certification) for Long Term Disability (LTD).

* 1. FAMILY and MEDICAL LEAVE (FML)

*“The apostolate of ... families is of unique importance for the Church and civil society… This mission-to be the first and vital cell of society-the family has received from God” (Apostolicam Actuositatem, 11).*

Consequently, the parish/school provides family and medical leave for its employees if the criteria for FML are met.

*If you need to take FML, contact your supervisor and the Leave Specialist in the Office of Human Resources at* *leave@seattlearch.org* *or by calling 206.382.4578.*

*APPENDIX available on ocsww.org/Appendices/ Steps for Administering Family Medical Leave*

3.18 (A) Employees who have been employed by the school for at least twelve months and work at least 20 hours per week are eligible for FML

* 1. (B) Supervisors are responsible for contacting the Archdiocese Leave Specialist in the Office of Human Resources to initiate the FML paperwork. If an employee has been out of work on sick leave for five consecutive days, FML begins on the sixth day of sick leave. Classifying the leave as FML is conditional, pending documentation.
	2. (C) FML is a paid or unpaid leave of absence from work in the event of:
		+ The birth or adoption of a child, or receiving a child for foster care; (See HR 3.16 Pregnancy-Coordination of Leave Benefits)
		+ The employee’s own serious health condition that makes it impossible to perform essential job functions;
		+ Any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active military duty; or the need to care for a covered service member to whom the employee is the next of kin (nearest blood relative).
		+ The need to care for the employee’s child, (biological, adopted, or foster child, or anyone the employee raised as a son or daughter), spouse or parent due to their serious health condition;
		+ Or the need to care for a covered service member to whom the employee is the next of kin (nearest blood relative), spouse, son, daughter, or parent of the employee due to serious injury or illness.
	3. (D) A serious health condition meets one of these three criteria:
		+ It requires at least an overnight stay in a hospital, hospice, or other residential medical institution;
		+ It involves an absence from work or other daily activity for more than three days, and requires continuing treatment or supervision by a healthcare provider; or

It is a chronic or long-term illness that is incurable or so serious that if untreated would probably lead to more than three days’ incapacity, and requires continuing medical treatment or supervision.3.18 (E) An employee is needed to care for a sick family member (as defined in 3.18 C) when the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety, or is unable to transport him or herself to the doctor.

3.18 (F) Eligible employees are entitled to a maximum of twelve calendar weeks of FML within a twelve consecutive calendar month period. The twelve weeks of leave will be translated into days. For full-time employees, that equals sixty days of FML per year (at 8 hours per day. Hours will be pro-rated for employees working less than full-time.

3.18 (G) The twelve weeks of FML can be taken continuously or, under certain circumstances, intermittently. Leave may also be taken on a reduced leave schedule on a temporary basis if the employee is capable of performing the essential functions of the position with or without reasonable accommodation. The taking of leave and the duration of temporary part-time work must be discussed with and approved by the canonically appointed leader.

3.18 (H) An eligible employee who is the spouse, son, daughter or parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to a total of 26 weeks of leave in a single 12-month period to care for the service member. This expanded leave entitlement may also be taken on an intermittent or reduced leave schedule (as described in 3.18 F) under certain circumstances.

3.18 (I) For a new child, FML must be completed within twelve months after the birth, adoption, or placement for foster care. (See HR 3.16 Pregnancy-Coordination of Leave Benefits)

3.18 (J) Employees must use all available sick leave, and may exceed the twelve weeks or sixty days of FML if they have accumulated a total of sick leave up to and including the 90 days maximum allowed by policy. When FML falls over a holiday or school break it does not affect the calculation of leave. Teachers and administrators, who do not normally work during the summer, do not count summer vacation against the FML.

3.18 (K) Employees who are able to return to work at least part-time may do so, if the school can reasonably accommodate such a request, and continue to access any unused sick leave available. The employer may require medical certification prior to the return to work.

3.18 (L) Employees on FML will not be treated differently from other employees if decisions are made at the school to reorganize, reassign, or lay off positions during the time the employee is on FML.

3.18 (M) When on FML, an employee will be retained on the health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

3.18 (N) Exempt Employees who are on an unpaid portion of FML leave will have an amount equaling their daily rate of pay deducted from their income for all days not covered by paid sick leave or personal time.

3.18 (O) Sick leave benefits will not accrue when employees are on an unpaid portion of a FML.

* 1. (P) If salary increases are scheduled to occur during the time employees are on authorized FML, the following provisions apply:
		+ Employees who are using accrued sick leave will receive the salary increases at the scheduled time;
		+ Employees who are on an unpaid portion of FML will receive their scheduled salary increase when they return to work.

3.18 (Q) For purposes of FML, the year will be determined by using a “rolling forward” method. The year begins for each employee on the date when that employee’s leave begins. For example, if an employee begins an authorized FML on February 1, a leave year begins for that employee on February 1 and a total of twelve weeks could be taken between February 1 and January 31 of the following year.

3.18 (R) An employee whose leave is considered FML is required to provide a 30-day advance notice of the need to take FML when the need is foreseeable and such notice is practicable. If the need was not foreseeable, the employee must notify the supervisor as soon as possible if the absence will exceed five days.

3.18 (S) All agreements regarding FML must be authorized in writing, and signed by the employee school administrator, and the Leave Specialist in the Office of Human Resources prior to the beginning of a FML or as soon as possible after leave has commenced. Employees on FML must notify the Leave Specialist in the Office of Human Resources in writing of any change in the original written agreement.

3.18 (T) Employees are required to provide medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member or a serious injury or illness of a covered service member. A second opinion may be required and paid for by the parish/school.

* 1. (U) Special rules apply to instructional employees, who are defined as those whose principal function is to teach or supervise and instruct students in a class, small group or an individual setting:
		1. When an employee requests intermittent leave which is foreseeable, based on planned medical treatment and will require the employee to be on leave more than 20 percent of the total number of working days over the period of the leave, the employee may be required by the principal to either:
			+ Take leave for a period or periods of particular duration, not greater than the duration of the planned treatment; or
			+ 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.
		2. Returning to work near the conclusion of an academic term.
			+ Instructional employees who begin leave more than five weeks before the end of the term may be required by the principal to continue taking leave until the end of the term if the leave will last at least three weeks and the employee would return to work during the three-week period before the end of the term.
			+ If the employee begins leave for a purpose other than the employee’s own serious health condition during the five-week period before the end of the term, she/he may be required by the principal to continue taking leave until the end of the term, if the leave will last more than two weeks and the employee would return to work during the two-week period before the end of the term.
		3. If the employee begins leave during the period that commences three weeks prior to the end of the academic term and if the duration of the leave is greater than five working days, the school may require the employee to continue to take leave until the end of the term.

3.18 (V) For spouses both employed at Archdiocesan locations, please contact the Office of Catholic Schools or the Leave Specialist in the Office for Human Resources.