

SPOKANE COUNTY FIRE DISTRICT 8

Standard Operating Procedures

10.07.01 FAMILY MEDICAL LEAVE



Adopted: 12/20/16
Reviewed: 12/20/16
Revised: 00/00/00

Approved:

A handwritten signature in black ink, appearing to read "Tony Fisher".

Purpose: To ensure Spokane County Fire District 8 will comply with the Federal, State and Medical Family Leave requirements.

References: Care of family members RCW 49.12.270
Family Leave RCW 49.78
Pregnancy, childbirth, and pregnancy related conditions. WAC 162-30-020
Federal Family Leave and Medical Leave Act of 1993 – USC 29.2912

Procedure:

1. Compliance.
 - a) Spokane County Fire District 8 complies with the federal Family Medical Leave Act of 1993 (FMLA) and all applicable state laws related to family or medical leave. This means that, in cases where the law grants members greater leave than the District's policies provide, the District will grant leave required by law.
2. Eligibility.
 - a) To be eligible for FMLA leave, a member must have worked for the District for a minimum of one year, and for at least 1,250 hours over the previous 12 months.
 - b) If a member is not eligible for FMLA leave, the District may choose to grant him/her unpaid, non-FMLA leave. In the event unpaid, non-FMLA leave is granted, normal unpaid leave policies, not the rules under FMLA, will apply.
3. Reasons for Taking Leave.
 - a) An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:
 - i. To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care.
 - ii. To care for a spouse or registered domestic partner, son, daughter, or parent who has a serious health condition.
 - iii. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care or childbirth).
 - iv. For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military

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member (including those in the regular Armed Forces, the National Guard, or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

4. FLMA usage for care of an injured military member.
 - a) An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin.
 - b) A covered service member is a current member of the Armed Forces, including a National Guard, or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
 - c) A covered service member may also be a veteran who a member of the Armed Forces was any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty.
 - d) For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

5. Intermittent or Reduced Work Schedule Leave.
 - a) In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule.
 - b) If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

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- c) Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service.
- d) If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the District's permission.
- e) Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the District's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the District may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.