

## **Emergency Leaves**

ESD 123 shall annually permit up to three (3) days of emergency leave for urgent business which cannot be accomplished on a weekend or after the regular working day. The following guidelines shall be applied:

1. The problem must have been suddenly precipitated and/or of such nature that preplanning could not relieve the necessity for the absence.
2. Mechanical problems (other than accidents) cannot be considered a valid reason for emergency leave.
3. The leave cannot be in lieu of other available leaves.
4. The problem creating the need for such emergency leave cannot be connected with, or an extension of, any other form of leave (e.g., attendance at the funeral of a close friend shall not be considered an extension of bereavement leave).
5. Should the emergency be of such a personal nature that the individual finds it difficult to state the reason for absence in writing on the absence form, they may, in lieu of the written statement, request a private and confidential conference with the Superintendent.

## **Family Emergency Leaves**

The Board recognizes that the demands of the workplace and of families need to be balanced to promote family stability and economic security for ESD 123 employees. Conditions for the authorized use of accumulated sick leave for family leaves are to be fairly construed in a manner consistent with relevant ESD 123 policies.

Unless otherwise stated, any leave used under terms of this policy shall be deducted from the staff member's accumulated sick leave and may be accessed in fifteen (15) minute or longer increments. In the event the staff member's sick leave has been exhausted, the leave may be granted without pay.

Unless a situation is governed by an applicable collective bargaining agreement, the following shall apply:

### **1. Domestic Violence Leave**

ESD 123 shall allow victims of domestic violence, sexual assault, or stalking and family members of victims to take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule. The leave may be sick leave, other accrued leave, or leave without pay. Family member includes a spouse, registered domestic partner, child, parent, parent-in-law, sibling, grandparent, grandchild, or an individual with whom the victim has a dating relationship. The employee shall provide advance notice of their intent to take leave. If advance notice is not possible, due to an emergency, notice should be provided no later than the end of the first day that the employee takes the leave.

### **2. Family Illness**

ESD 123 staff members may use accrued sick leave or any other paid leave to care for 1) a child of the employee under the age of eighteen (18) with a health condition that requires treatment and/or supervision, 2) a child eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability, or 3) a spouse, registered domestic partner, parent, parent-in-law, sibling, grandparent, or grandchild of the employee who has a serious health condition or an emergency condition. No employee may take leave until it has been earned and accrued. ESD 123 may require a signed statement from a licensed medical practitioner to verify the need for treatment and/or supervision for any absence which exceeds five (5) days. ESD 123 may require, at its expense, an independent medical evaluation by a licensed medical practitioner of its selection to verify the need for treatment and/or supervision for any absence that exceeds ten (10) days.

### **3. Death in the Family**

ESD 123 shall allow each full-time staff member a maximum of five (5) days leave with compensation per occurrence for emotional illness or upset due to death in the immediate family. The immediate family shall include the spouse, registered domestic partner, child, parent,

grandparent, grandchild, and sibling of the employee or spouse. One (1) day of leave with pay per occurrence shall be allowed an employee for the death of other relatives. In situations where personal problems are a result of bereavement, the employee may be granted an extended leave of absence without pay upon approval of the Superintendent, providing all other available leave has been exhausted. Such an extended leave shall be limited in duration. In this situation, employees may contribute to their benefits if their insurance provider permits it.

**4. Birth or Adoption of a Child**

ESD 123 shall 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 shall 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 under the age of six (6), as is available to employees who become biological parents. Such leave is available only when the child lives in the employee's household at the time of birth or initial placement. Employee requests for leave of absence due to birth or initial placement for adoption of a child shall be submitted in writing to the Superintendent not less than thirty (30) days prior to the beginning date of the leave. The notice shall include the approximate beginning and ending dates for the leave requested.

An extended unpaid leave of absence for a period up to the beginning of the next contract or calendar year may be approved at the discretion of the Superintendent based upon consideration of educational program needs and the desires of the staff member, together with any recommendation of professionals such as medical practitioners or counselors regarding the leave request.

Nothing in this section shall preclude the use of accumulated sick leave to care for a child with a health condition that requires treatment or supervision, as provided in the Family Illness section of this policy.

Except as otherwise noted, this policy is subject to all the provisions of Policy 5400.

First Reading: 12/16/21

Second Reading: 1/27/2022

Adoption: 1/27/22

**Reference:**

[RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.](#)

[RCW 28A.310.200 ESD board—Powers and duties—Rules.](#)

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 28A.310.240 Employee leave policy required.](#)

[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 28A.600.010 Enforcement of rules of conduct—Due process guarantees—Computation of days for short-term and long-term suspensions.](#)

[RCW 49.12.270 Sick leave, time off—Care of family members.](#)

[RCW 49.12.360 Parental leave—Discrimination prohibited.](#)

[RCW 49.78 Family leave](#)

[WAC 296-134 Family leave](#)

[P.L. 103-3 Family and Medical Leave Act of 1993](#)

[29 CFR Pt. 825 The family and medical leave act of 1993](#)

**Cross Reference:**

[Policy 5400 - Personal Leave](#)