

FAMILY AND MEDICAL LEAVE

6.19 Family or Medical Leave – Time Allowed.

Employees who have been employed by the Tribe for at least 12 consecutive months and who have worked at least 1,250 hours in the past 12 months may take up to 12 weeks **unpaid** family or medical leave in a fiscal year for one or more of the following purposes:

- a) The birth of the employee's child within 12 months of the child's birth,
- b) The placement of a child with the employee for adoption or foster care within 12 months of the placement,
- c) To care for a child, spouse, or parent who has a serious health condition, or
- d) When the employee is unable to perform the essential functions of his or her own position because of a serious health condition.
- e) To handle a domestic violence situation as outlined in 6.20.

Regular, part-time employees are eligible for the family medical leave benefit on the same basis as full-time employees, except that it is prorated according to the number of hours they are regularly scheduled to work.

Spouses who are both employed by the Tribe are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth of a child, the placement of a child for adoption or foster care, or the care of a sick parent.

If an employee is eligible for both FML leave and Long Term Disability coverage, and if that employee is absent in order to deal with their own serious health condition (not that of a dependent) the 12 weeks of coverage under this policy may be extended an additional 12 weeks for a total of 24 weeks.

When both available sick leave and FML have been exhausted, and the employee remains unable to return to work, employment will be terminated.

[HIST: Revised by Council Motion January 25, 2011. Revised by Council Motion September 11, 2017]

6.20 Domestic Violence Leave – Time Allowed

Employees who meet the employment criteria in Section 6.19, and who are victims of Domestic Violence, may also use unpaid leave in the following circumstances:

- a) To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family members. This includes, but is not limited to, preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or family violence, sexual assault, stalking, or dating violence;
- b) To seek treatment by a health care provider for physical or mental injuries caused by domestic violence or family violence, sexual assault, stalking, or dating violence, or to attend to health care treatment for a victim who is the employee's family member;
- c) To obtain, or assist a family member in obtaining, services from a domestic violence safe house, rape crisis center, or other social services program for relief from domestic violence, family violence, sexual assault, stalking, or dating violence, or to prepare for and/or attend court;
- d) To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, family violence, sexual assault, stalking or dating violence, in which the employee or the employee's family member was a victim of domestic violence or family violence, sexual assault, stalking, or dating violence; or
- e) To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence or family violence, sexual assault, stalking, or dating violence.

The Domestic Violence Advocate, law enforcement, a mental health counselor, or a medical provider of a Domestic Violence victim may submit a confidential signed affidavit to the tribe's HR department verifying the victim has been subjected to domestic violence.

6.21 Relation to Other Leaves of Absence.

If an employee is entitled to paid leave under another benefit plan or policy, including vacation leave, the employee must take the paid leave and the amount

of time spent on such leave will also be counted as leave time taken under this policy. In the event an employee's work-related injury or illness qualifies as a serious health condition, any leave time necessitated by the injury or illness will be treated both as worker's compensation leave time and leave time taken under this Policy.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

6.22 Notice by Employee Required.

When the need for leave is foreseeable, such as the birth of a child or placement of a child for adoption or foster care, the employee must provide reasonable prior notice to the Tribe and make efforts to schedule leave so as not to disrupt operations of the Tribe. The employee should submit a Family or Medical Leave of Absence Form thirty (30) days in advance of the effective date of the leave, if possible. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approval, and forwarded to the Human Resources Department. When the need for leave is not foreseeable, employee must submit a Family or Medical Leave of Absence Form as soon as practicable.

In cases of an employee's own illness, the employee is required to report on his or her leave status and intention to return to work as provided in the sick leave policy and may be required to report periodically on his or her leave status and intention to return to work for unpaid leave. Failure to follow these notice and request procedures may result in a delay of the requested leave and may lead to discipline, up to and including discharge.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

6.23 Medical Certification.

Requests for family or medical leaves of absence due to serious health condition should include sufficient medical certification stating (1) the date on which the serious health condition commenced, (2) the probable duration of the condition, and (3) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse or parent, the certificate should give an estimate of the amount of time the employee is needed to provide such care.

For purposes of leave for an employee's own illness, the certificate must state that the employee is unable to perform the essential functions of his or her position. In its discretion, the Tribe may require a second medical opinion and periodic re-certification at its own expense. If the first and second opinions differ, the Tribe, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Tribe and the employee. In the case of request for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the certification must provide the dates on which such treatment is expected to be given and the duration of such treatment.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

6.24 Intermittent Leave.

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the Tribe may require the employee to transfer temporarily to an alternate position, that has equivalent pay and benefits, and that better accommodates recurring periods of absence or a part-time schedule.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

6.25 Pay and Benefits During Family or Medical Leave.

Leave taken under this Policy is unpaid. An employee's group health insurance and other insurance coverage will remain in effect during authorized family or medical leave as if he or she were working. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Tribe may recover from the employee the cost of any payments made to maintain insurance coverage, unless the failure to return to work was for reasons beyond the employee's control. Service for benefit entitlement purposes will resume upon the employee's return to work.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

6.26 Return to Work Following Authorized Family or Medical Leave.

Upon return from a leave under this Policy, an employee will be returned to the same position the employee held when leave commenced, or to an equivalent

position with equivalent benefits, pay, and other terms and conditions of employment. An employee returning from medical leave generally will be required first to provide a certification by his or her treating health care provider that the employee is able to perform the essential functions of his or her job (or to the equivalent position) with or without reasonable accommodation.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]

LEAVE FOR MEETINGS AND TRAINING

6.27 Participation in Training and Advisory Committee Meetings.

Employees of the Port Gamble S'Klallam Tribe have opportunities, on a limited basis, to participate in training and advisory committee meetings that may not be directly related to their primary job responsibilities. This policy applies to all regular employees of the Port Gamble S'Klallam Tribe. Part-time employees may participate on a pro-rated basis.

Pre-approval from the employee's supervisor is necessary in ALL cases.

- a) Tribal Advisory Committee Meetings. When possible, tribal advisory committee meetings involving staff from more than one department should be planned before or after work, during the lunch hour, or an employee can choose to take annual leave or comp time. However, the Tribe recognizes that at times employees attend advisory committee meetings and training that may not be directly related to their primary job responsibilities, but that benefit the Tribe as a whole. If an employee accepts a stipend, he or she must use flex time or annual leave, provided the supervisor approves it. An employee will be limited to not more than eight hours per month for advisory meetings and training, absent exceptional circumstances.
- b) Port Gamble S'Klallam Tribal Members' Participation in Academic Degree Programs-Not Directly Related to Job. Education of tribal members to assume the leadership, management and staffing of Tribal programs is a principal goal of Tribal Self-Governance. To support Port Gamble S'Klallam Tribal members in this endeavor, with supervisory approval, one-half day per week may be used to attend college or for-credit educational classes used toward a college degree. This time may be used to attend classes and/or training or to complete homework.

- c) Participation in Academic Programs- Directly Related to Job. The supervisor may provide additional time for an employee to participate in internships, on-the-job training or have other training requirements as part of the job.
- d) Exercise. The Tribe recognizes that health and well being of all tribal staff is important. Staff members are encouraged to use their breaks and lunch time to exercise.
- e) Volunteering in the Schools. The Tribe encourages parent participation and volunteer work in schools to support children and youth. Up to one hour a week will be granted to volunteer in the schools or attend school activities.

[HIST: Resolution No. 01 A 103, passed 11/27/01 adopted this Employee Handbook and repealed the Personnel Manual.]