

Overview of Selected Federal & State Laws Related to Workplace Leave

(updated Feb 2026)

These tables are provided as a **reference only**; please consult the corresponding agency website and/or your Human Resources professional for the most up-to-date details and applicability to your particular situation.

Federal & State Laws	Eligibility	Paid Leave (sick, vacation, holiday, disability)	Notice	Amount of Leave	Employer-Employee Criteria
Paid Sick Leave L&I Info (WA, 2016)	All employees who are protected by the state's minimum wage act, including part-time, temporary, and seasonal employees.	This law provides for a minimum sick leave accrual of 1 hour for every 40 hours worked. Job protection while using this type of leave.	None specified. Employees may begin using on the 90 th calendar day after the start of their employment.	1 hour for every 40 hours worked (i.e., 4 hrs/mo). Note: Most WFSE contracts stipulate a higher accrual rate (e.g., 8 hrs/mo). Can be used in increments consistent with ordinary payroll tracking.	No business size requirement; most hourly employees; many "white-collar" positions are excluded, as are various assorted positions/industries .
Permitted Reasons	Child with a health condition that requires treatment/supervision Other family member (as below) with a serious health condition or emergency condition Workplace/Childcare closures due to public health or declaration of emergency by local/state government/agency or by federal government Qualifying absences under the Domestic Violence Leave Act Preparation for/Participation in immigration proceedings (self or family member)				
Family Members	Child (regardless of age) whom employee is legally responsible for, spouse, domestic partner, parent, grandparent, grandchild, sibling, any individual who depends on the employee for care				
Family Care Act L&I Info (WA, 2002)	All employees who are entitled to paid leave; time comes out of employee's accrued bank.	Any category of paid leave provided by the employer may be used under this act.	None specified.	Limited to leave accrued. Employers may apply attendance policies if leave is used for inappropriate reasons.	No business size requirement; all employers who offer a paid leave benefit.
Permitted Reasons	Child with a health condition that requires treatment/supervision (often periodic reasons that do not necessitate PFML/FMLA, including well-child visits and monthly allergy shots) Adult child ≥ 18 who cannot care for him/herself due to disability Other family member (as below) with a serious health condition or emergency condition, including pregnancy/childbirth				
Family Members	Child, spouse, domestic partner, parent, parent-in-law, or grandparent				

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Family Medical Leave Act <u>FMLA</u> (Federal, 1993) Unpaid Leave (self or others)	Must have worked for at least 12 months total (not necessarily consecutive) Must have worked at least 1250 hours in the 12 months prior to the leave start date requested.	Employee can choose to use any form of accrued paid leave (including comp time) for some or all of the FMLA leave period. When paid leave is used for an FMLA-covered reason, the leave is FMLA-protected.	Employee required to give notice <u>only once</u> for continuous, intermittent, or reduced schedule leave. 30 days' advance notice for foreseeable leave (e.g., birth, adoption), or as soon as practicable.	Up to 12 weeks (26 for military caregiver) in a 12-month period with job and health insurance protection. Employer may request recertification every six months.	PUBLIC All public agencies (local, state, federal) and all private/public K-12 schools <i>(Other thresholds for private businesses)</i>
Permitted Reasons Pregnancy, birth, adoption, and foster care Serious health conditions (self or family members: spouse, parent, minor child, child 18+ incapable of self-care due to disability) Military qualifying exigency leave / Care for a military family member with an injury or illness (see below)					
Family Members Self, spouse, parent, child (biological, adoptive, step, foster, legal ward) or person with whom the employee was or is in a relationship of <i>in loco parentis</i> (in child or parental role).					
Paid Family & Medical Leave <u>PFML</u> (WA, 2020) <i>Replaced Family Leave Act</i>	820 hours for any WA employer in the past 12 months to qualify. 180 days (no minimum hours) at current employer for job protection + health-care maintenance (if ≥ 25 employees)	PFML is state-paid leave; replaces up to 90% of avg. weekly wages, subject to cap (\$1647 in 2026). Employee may take leave without pay and submit for wage reimbursement.	30 days' advance notice if foreseeable; as soon as possible if unplanned. Employee's choice to use PFML. It requires written notice.	4-hour minimum; intermittent ok. 12 weeks/yr. (up to 16 for multiple qualifying events; 18 for pregnancy-related complications).	Any size business. Job protection + health care maintenance trigger at 25 employees. Self-employed may opt in, as well.
Permitted Reasons Your own or family member's serious health condition Bonding with newborn, newly-adopted, or newly-fostered child Qualifying military exigency; military caregiver Bereavement for the death of a child when you expected to use leave for birth/bonding					
Family Members Same as FMLA (self, spouse, parent, child), plus Domestic partner, children-in-law, grandchildren, grandparents, siblings, in-laws plus Any relationship that creates an expectation that the employee care for the person, and the person depends on the employee for care					

Please note that if the same leave event qualifies an employee for both FMLA and PFML, most employers will require that both leaves be taken concurrently (e.g., be paid under PFML while running down FMLA time and enjoying FMLA protections). This can be a plus for employees who do not meet the 12-month/1250-hour threshold for job protection and healthcare maintenance under FMLA. It may also be possible, but is less common, for employees to take FMLA first, and then PFML. Also, beginning in 2026, employers may count FMLA job-protected leave against PFML job-protected time (with notice, which must be given within 5 business days of leave request/start), even if the employee has not applied for PFML. The employee may still apply for PFML benefits after this notice.

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Domestic Violence Leave* <u>L&I Info</u> (WA, 2008)	<p>Victims and family members of victims who have experienced domestic violence, sexual assault, and hate crimes.</p> <p>Paid/Unpaid Leave (self or others)</p>	<p>Employee may use any leave available, paid or unpaid.</p> <p>Additionally, employers may also need to make reasonable safety accommodations.</p> <p>Job protection while using this type of leave.</p>	<p>Prior if possible, or no later than the end of the first day of leave taken.</p> <p>Employer may ask for verification (e.g., police reports, written statements, etc.)</p>	<p>“Reasonable” leave: legal & law enforcement assistance, medical treatment, services, counseling, (workplace) safety & relocation planning.</p> <p>May use consecutively, intermittently, or on an adjusted schedule.</p>	All employers and employees.
Leave for Certain Emergency Service Personnel <u>L&I Info</u> (WA, 2001)	<p>Volunteer firefighters (regardless of reimbursement), reserve peace officers, or Civil Air Patrol members.</p> <p>Unpaid Leave (self)</p>	Unpaid.	Allows for late arrival, departure from, or missed work due to an emergency call or orders to remain on scene.	None specified. Volunteer firefighters should notify their employer of their firefighter status.	Employers with \geq 20 full-time employees.
Military Family Leave Act* <u>L&I Info</u> (WA, 2008)	Spouses or registered domestic partners of all military personnel	Unpaid unless employee chooses to substitute paid leave	Within 5 business days of receiving official notice of an impending call or order to active duty, or of leave from deployment	Allows for 15 days leave prior to deployment or when spouse / domestic partner is on leave from deployment	All employers; employees working \geq 20 hours a week

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Qualifying Exigency Leave <u>DOL Fact Sheet</u> (Federal, 2009) Unpaid Leave (others)	Spouse, child, parent in Regular Armed Forces, National Guard, or Reserves Short-notice deployment, military events, childcare-related activities, <u>others as listed</u>	Same as FMLA	Copy of orders; other documents to support need for leave.	12 work weeks in a leave year for qualifying exigencies (FMLA)	\geq 50 employees in 75 miles IF employee worked 1,250 hours in past 12 months
Military Caregiver Leave <u>DOL Fact Sheet</u> <u>DOL Fact Sheet (Vet)</u> (Federal, 2009) Unpaid Leave (others)	Spouse, child, parent, next-of-kin of a servicemember who is on the temporary disability retired list for a serious injury or illness Veteran who was discharged within the past 5 years; undergoing care for a serious injury or illness	Same as FMLA	Comply with employer's notice requirements if feasible. Certification may be required by the employer	A total of 26 work weeks during a single 12-month period, beginning on the first date of leave; the 26 weeks includes any other FMLA-qualifying event	\geq 50 employees in 75 miles IF employee worked 1,250 hours in past 12 months

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