

## Leave Laws Side-by-Side

Federal & State Laws	Paid Leave [sick, vacation, holiday, disability]	Unpaid or intermittent Leave?	Family Members Covered	Leave Allowed	Employer-Employee Criteria
Family Medical Leave Act (Federal)  1993	YES, the employee can choose or the employer can require the employee to substitute all forms of accrued paid leave (including compensatory time off) for unpaid FMLA	Intermittent – YES Employee is required to give notice <u>only once</u> for an intermittent or reduced schedule leave	Self, spouse, biological, adoptive or step or foster parent or child, or person with whom the employee was or is in a relationship of in loco parentis	12 weeks in a year with job and health insurance protection.	≥ 50 employees in 75 miles IF employee worked 1,250 hours in previous 12 months (not necessarily consecutive)
Family Care Act (WA)  2002	YES, can use sick, vacation, holiday, PTO and some short-term disability plans – if employer provides paid leave benefit	Intermittent - YES	Child, spouse, registered domestic partner, parent, parent-in-law, grandparent	Paid leave to care for a sick family member not covered by FMLA including registered domestic partners, grandparents, and a child with a routine illness.	No size requirement; employee <b>must</b> have a paid leave benefit
Family Leave Act (WA) (supersedes FMLA where identical)  2006	YES, may substitute earned paid leave or employer may force the use of earned paid leave		Self, child, parent, spouse or registered domestic partner	An additional 12 weeks added to pregnancy disability leave and covers registered domestic partners.	≥ 50 employees in 75 miles IF employee worked 1,250 hours in past 12 months

Council 28 – Continuing Steward Ed/Navigating the Seas of Leave Laws: **Handout 2**

**REMINDER: If you believe any of the laws have been violated, please contact your Council Representative.**

## Leave Laws Side-by-Side

<b>Federal &amp; State Laws</b>	<b>Paid Leave [sick, vacation, holiday, disability]</b>	<b>Unpaid or intermittent Leave?</b>	<b>Family Members Covered</b>	<b>Leave Allowed</b>	<b>Employer-Employee Criteria</b>
Leave for Victims of Domestic Violence (WA)  2008	“Reasonable leave” is normally unpaid but employee may choose to substitute earned paid leave due to domestic violence, sexual assault or stalking.	Intermittent - YES	Self, child, spouse, parent, parent-in-law, grandparent or person the employee is dating	For legal or law enforcement assistance, medical treatment, counseling, work with victim advocate, safety and relocation issues	All employers and employees; no eligibility requirements
Leave for Certain Emergency Services Personnel (WA)		Unpaid	Self	Allows for late arrival or missed work due to an emergency call or a request to remain on scene	All employers; applies to volunteer firefighters, reserve peace officers or Civil Air Patrol members
Leave for Spouses of Deployed Military Personnel (WA)  2008	Employee’s choice to use earned paid leave	Unpaid unless employee chooses to substitute accrued leave	Spouses or registered domestic partners of all military personnel	Allows for 15 days leave prior to deployment or when spouse/domestic partner is on leave from deployment	All employers; employees working ≥ 20 hours a week

Council 28 – Continuing Steward Ed/Navigating the Seas of Leave Laws: **Handout 2**

**REMINDER: If you believe any of the laws have been violated, please contact your Council Representative.**

## Leave Laws Side-by-Side

Federal & State Laws	Paid Leave [sick, vacation, holiday, disability]	Unpaid or intermittent Leave?	Family Members Covered	Leave Allowed	Employer-Employee Criteria
Qualifying Exigency Leave (Federal)  2009		YES	Spouse, son, daughter, parent, or next of kin who is in military service in National Guard, or Reserves	12 work weeks in a leave year for qualifying exigencies (FMLA)	≥ 50 employees in 75 miles IF employee worked 1,250 hours in past 12 months
Military Caregiver Leave (Federal)  2009		YES	Spouse, son, daughter, parent or next of kin who is a military service member on the temporary (not permanent) disability retired list with a serious injury or illness incurred in the line of active duty	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	≥ 50 employees in 75 miles IF employee worked 1,250 hours in past 12 months

Council 28 – Continuing Steward Ed/Navigating the Seas of Leave Laws: **Handout 2**

**REMINDER: If you believe any of the laws have been violated, please contact your Council Representative.**