

ARTICLE 16
FAMILY AND MEDICAL LEAVE, PARENTAL LEAVE, PREGNANCY
DISABILITY LEAVE, AND WASHINGTON PAID FAMILY AND MEDICAL
LEAVE

16.1 A. With the exception of Section 16.12, definitions within this Article will be in accordance with the federal Family and Medical Leave Act of 1993 (FMLA). Consistent with FMLA and any amendments thereto, an employee who has worked for the state for at least twelve (12) months and for at least one thousand, two hundred fifty (1,250) hours during the twelve (12) months prior to the requested leave is entitled to up to twelve (12) workweeks of family medical leave in a twelve (12) month period for one or more of the following reasons:

1. Parental leave for the birth of and to care for a newborn child or placement for adoption or foster care of a child and to care for that child;
2. Personal medical leave due to the employee's own serious health condition that requires the employee's absence from work;
3. Family Medical Leave to care for a spouse, child, or parent who suffers from a serious health condition that requires on-site care or supervision by the employee; and/or
4. FML for a qualifying exigency when the employee's spouse, child of any age or parent is on active duty or call to active duty status of the Armed Forces, Reserves or National Guard for deployment to a foreign country.

Qualifying exigencies include attending certain military events, arranging for alternate childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

B. Military Caregiver Leave will be provided to an eligible employee who is the spouse, child of any age, parent or next of kin of a covered servicemember to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period to care for the covered servicemember or veteran who is suffering from a serious illness or injury in the line of duty.

During the single twelve (12) month period during which Military Caregiver Leave is taken, the employee may only take a combined total of twenty-six (26) workweeks of leave for Military Caregiver Leave and leave taken for other FMLA qualifying reasons.

The single twelve (12) month period to care for a covered servicemember or veteran begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

C. Entitlement to FML for the care of a newborn child or newly adopted or foster child ends twelve (12) months from the date of birth or the placement of the foster or adopted child. Pregnancy disability leave will be granted for the period of time an employee is sick or temporarily disabled because of pregnancy and/or childbirth and will be in addition to any leave granted under family medical leave or Washington state leave laws.

D. The one thousand, two hundred fifty (1,250) hour eligibility requirement noted does not count vacation leave, sick leave, personal holidays, compensatory time off, or shared leave.

16.2 The FML entitlement period will be a twelve (12) month period measured forward from the date an employee begins FML. Each time an employee takes family medical leave during the twelve (12) month period, the leave will be subtracted from the twelve (12) workweeks of available leave. The Employer will respond in writing to FML requests as soon as practicable but no later than seven (7) calendar days of receipt of a properly completed request.

1 **16.3** The Employer will continue the employee's existing employer-paid health
2 insurance benefits during the period of leave covered by FML. The employee will
3 be required to pay their share of health care premiums.

4 **16.4** The Employer has the authority to designate absences that meet the criteria of the
5 FML. The use of any paid or unpaid leave (excluding leave for work-related illness
6 or injury covered by workers compensation and compensatory time) for a FML
7 qualifying event will run concurrently with, not in addition to, the use of FML for
8 that event. Any employee using paid leave during a FML qualifying event must
9 follow the notice and certification requirements relating to FML usage in addition
10 to any notice and certification requirements relating to the paid leave.

11 **16.5** The Employer may require certification from the employee's, family member's, or
12 covered servicemember's health care provider for the purpose of qualifying for
13 FML.

14 **16.6** Personal medical leave, serious health condition leave, or serious injury or illness
15 leave covered by FML may be taken intermittently when certified as medically
16 necessary. Employees must make reasonable efforts to schedule leave for planned
17 medical treatment so as not to unduly disrupt the Employer's operations. Leave due
18 to qualifying exigencies may also be taken on an intermittent basis.

19 **16.7** Upon returning to work after the employee's own FML qualifying illness, the
20 employee will be required to provide a fitness-for-duty certificate from a health
21 care provider.

22 **16.8** The employee will provide the Employer with not less than thirty (30) days' notice
23 before family medical leave is to begin. If the need for the leave is unforeseeable
24 thirty (30) days in advance, then the employee will provide such notice as is
25 reasonable and practicable.

26 **16.9** An employee returning from FML will have return rights in accordance with
27 FMLA.

1 **16.10** Definitions used in this Article will be in accordance with the FMLA. The parties
2 recognize that the Department of Labor is working on further defining the
3 amendments to FMLA. The Employer and the employees will comply with existing
4 and any adopted federal FMLA regulations and/or interpretations.

5 **16.11 Pregnancy Disability Leave**

6 A. Pregnancy disability leave will be granted for the period of time an
7 employee is sick or temporarily disabled because of pregnancy and/or
8 childbirth and will be in addition to any leave granted under family medical
9 leave or Washington state leave laws.

10 B. An employee must submit a written request for disability leave due to
11 pregnancy and/or childbirth in accordance with agency policy. An
12 employee may be required to submit medical certification or verification for
13 the period of the disability. Such leave due to pregnancy and/or childbirth
14 may be a combination of sick leave, vacation leave, personal holiday,
15 compensatory time, exchange time, shared leave, and leave without pay.
16 The combination and use of paid and unpaid leave will be the choice of the
17 employee.

18 **16.12 Washington Paid Family and Medical Leave Program**

19 A. The parties recognize that the Washington Paid State Family and Medical
20 Leave (FML) Program([Title 50.A RCW](#)) is in effect and eligibility for and
21 approval of leave for purposes as described under that Program shall be in
22 accordance with [Title 50A RCW](#). In the event that the legislature amends
23 all or part of [Title 50A RCW](#), those amendments are considered by the
24 parties to be incorporated herein. In the event that the legislature repeals all
25 or part of [Title 50A RCW](#), those provisions that are repealed are considered
26 by the parties to be expired and no longer in effect upon the effective date
27 of their repeal.

1 B. The employee may use sick leave, personal holiday, compensatory time,
2 personal leave day, bereavement leave or vacation leave as a supplemental
3 benefit while receiving a partial wage replacement for paid family and/or
4 medical leave under the Washington State Paid Family and Medical Leave
5 Insurance Program, Title 50A RCW. The Employer may require
6 verification that the employee has been approved to receive benefits for paid
7 family and/or medical leave under Title 50A RCW before approving leave
8 as a supplemental benefit.
9

TENTATIVE AGREEMENT REACHED

An electronic signature to this Agreement shall be given effect as if it were an original signature.

For the Employer

For the Union

Inti Tapia, Labor Negotiator
OFM/SHR Labor Relations &
Compensation Policy Section

Steve Sloniker,
Executive Director, WPEA