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ARTICLE 15

FAMILY AND MEDICAL LEAVE

~~The parties recognize the following:~~

~~• The Washington Family Leave Act (WFLA) (RCW 49.78) is repealed and only effective until December 31, 2019; and therefore any references to WFLA or the provisions of WFLA in this article expire December 31, 2019.~~

~~• The Washington Family and Medical Leave Program (RCW 50A.04) is in effect beginning January 1, 2020 and eligibility for and approval of leave for purposes as described under that Program shall be in accordance with RCW 50A.04. In the event that the legislature amends all or part of RCW 50A.04, those amendments are considered by the parties to be incorporated herein. In the event that the legislature repeals all or part of RCW 50A.04, those revisions that are repealed are considered by the parties to be expired and no longer in effect upon the effective date of their repeal.~~

15.1 A. Consistent with the federal Family and Medical Leave Act of 1993 (FMLA) and any amendments thereto and the Washington state Family Leave Act of 2006 (WFLA), 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 through 4:

1. Parental leave for the birth 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.



- 1           The single twelve (12) month period to care for a covered servicemember  
2           or veteran begins on the first day the employee takes leave for this reason  
3           and ends twelve (12) months later, regardless of the twelve (12) month  
4           period established for other types of FMLA leave.
- 5           C.    Entitlement to family medical leave for the care of a newborn child or newly  
6           adopted or foster child ends twelve (12) months from the date of birth or the  
7           placement of the foster or adopted child.
- 8           D.    The one thousand two hundred fifty (1,250) hour eligibility requirement  
9           noted above does not count paid time off such as time used as vacation  
10          leave, sick leave, personal holidays, compensatory time off, or shared leave.
- 11   **15.2**   The family medical leave entitlement period will be a twelve (12) month period  
12          measured forward from the date an employee begins family medical leave. Each  
13          time an employee takes family-medical leave during the twelve (12) month period,  
14          the leave will be subtracted from the twelve (12) workweeks of available leave.
- 15   **15.3**   The Employer will continue the employee's existing employer-paid health  
16          insurance, life insurance and disability insurance benefits during the period of leave  
17          covered by family medical leave. The employee will be required to pay their share  
18          of health insurance, life insurance and disability insurance premiums. The  
19          Employer may require an employee to exhaust all paid leave prior to using any  
20          leave without pay (except for compensable work-related injury or illness), except  
21          that the employee will be allowed to use eight (8) hours a month of accrued leave  
22          during each month to provide for the continuation of benefits as provided for by the  
23          Public Employees Benefit Board.
- 24   **15.4**   The Employer has the authority to designate absences that meet the criteria of the  
25          family medical leave.
- 26          A.    For events qualifying under FMLA described in Section 15.1 (excluding  
27          compensable work related illness of injury and compensatory time), family

1           medical leave runs concurrently with, not in addition to, any paid or unpaid  
2           leave.

3           Any employee who has absences due to work related illness or injury  
4           covered by workers compensation and who meets the eligibility  
5           requirements listed in Section 15.1, may request that family medical leave  
6           run concurrently at any time during the absence.

7           B.    An employee using paid leave during a family medical leave qualifying  
8           event must follow the notice and certification requirements relating to  
9           family medical leave usage in addition to any notice requirements relating  
10          to the paid leave.

11   **15.5 Parental and Pregnancy Disability Leave**

12          A.    Parental leave will be granted to the employee for the purpose of bonding  
13          with their newborn, adoptive or foster child. Parental leave may extend up  
14          to six (6) months, including time covered by the family medical leave,  
15          during the first year after the child's birth or placement. Leave beyond the  
16          period covered by family medical leave and pregnancy disability may only  
17          be denied by the Employer due to operational necessity. Such denial may  
18          be grieved beginning at the top internal step of the grievance procedure in  
19          Article 30.

20          B.    Parental leave may be a combination of the employee's accrued vacation  
21          leave, sick leave, personal holiday, compensatory time, or leave without  
22          pay. Parental leave may be taken on an intermittent or reduced schedule  
23          basis in accordance with Subsection 15.5 A.

24          C.    Pregnancy disability leave will be granted for the period of time an  
25          employee is sick or temporarily disabled because of pregnancy and/or  
26          childbirth and will be in addition to any leave granted under family medical  
27          leave or Washington state family leave laws.

1 15.6 The Employer may require certification from the employee's, family member's, or  
2 covered servicemember's health care provider for the purpose of qualifying for  
3 family medical leave.

4 15.7 Personal medical leave, serious health condition leave, or serious injury or illness  
5 leave covered by family medical leave may be taken intermittently or on a reduced  
6 schedule basis when certified as medically necessary. Employees must make  
7 reasonable efforts to schedule leave for planned medical treatment so as not to  
8 unduly disrupt the Employer's operations. Leave due to qualifying exigencies may  
9 also be taken on an intermittent basis.

10 15.8 Upon returning to work after the employee's own family medical leave qualifying  
11 illness, the employee may be required to provide a fitness for duty certificate from  
12 a health care provider.

13 15.9 The employee will provide the Employer with not less than thirty (30) days' notice  
14 before family medical leave is to begin. If the need for the leave is unforeseeable  
15 thirty (30) days in advance, then the employee will provide such notice as is  
16 reasonable and practicable.

~~17 15.10 An employee returning from family medical leave will have return rights in  
18 accordance with FMLA and WFLA.~~

19 15.11 Both parties agree that nothing in this Agreement will prevent an employee from  
20 filing a complaint regarding FMLA with the Department of Labor or regarding the  
21 WFLA with the Department of Labor and Industries.

22 15.12 Definitions used in this Article will be in accordance with the FMLA and WFLA.  
23 The parties recognize that the Department of Labor is working on further defining the  
24 amendments to FMLA. The Employer and the employees will comply with existing and  
25 any adopted federal FMLA regulations and/or interpretations.

26 **15.13 Washington Family Medical Leave Program**

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TENTATIVE AGREEMENT REACHED

FOR THE UNION:

MA      9/3/2020

DATE

MARK HAMILTON

FOR THE EMPLOYER:

Janetta Sheehan  
Sept 2, 2020

DATE

JANETTA SHEEHAN