

## NEW EMPLOYEE LEAVE LAWS IN WASHINGTON STATE

This legislative session saw the passage of two new types of leave that employers will need to incorporate in their leave practices and policies.

### **DOMESTIC VIOLENCE LEAVE – EFFECTIVE APRIL 1, 2008**

The new Domestic Violence Leave Law allows victims of domestic violence, sexual assault or stalking to take reasonable leave from work (including intermittent leave and a reduced leave schedule) to take care of legal or law enforcement needs and to obtain health care. Family members of a domestic violence or sexual assault victim may also take reasonable leave to help the victim obtain treatment or seek care. The term “family member” is defined broadly to include a child, spouse, parent, parent-in-law, grandparent or person with whom the individual is dating.

An employee may take reasonable leave under this law for the following reasons:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee’s family member;
- Seek treatment by a health care professional for injuries (physical or mental) caused by domestic violence, sexual assault or stalking, or to attend to health care treatment of a family member;
- Obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center or other social service program;
- Obtain or assist a family member in obtaining mental health counseling; or
- Participate in safety planning, temporarily or permanently relocate or take other actions to increase the safety of the employee or employee’s family member from future incidences of domestic violence, sexual assault or stalking.

Employees taking leave under this law may use sick leave or other paid time off, compensatory time or unpaid leave time. Employees must provide advance notice of the leave when possible. The timing of the notice should be consistent with the employer’s stated policies for requesting such leave. If advance notice is not possible, the employee (or the employee’s designee) must provide notice to the employer no later than the end of the first day that the employee takes such leave. The employer may require that the leave request be verified. An employee may satisfy the verification requirement by providing, among other things, a court order, police report, or a written statement by the employee requesting the leave.

Upon return from leave the employer shall either restore the employee to the position held by the employee when leave commenced or an equivalent position with equivalent benefits, pay, and other terms and condition of employment.

All employers must comply with this law, regardless of size. A posted notice will be available in the near future and employers will need to comply with the posting requirement.

- For a copy of the bill as passed visit <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/House%20Passed%20Legislature/2602-S.PL.pdf>
- For more information see the Department of Labor and Industry Web site at <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/DomViolence/default.asp>

### **MILITARY FAMILY LEAVE ACT – EFFECTIVE JUNE 12, 2008**

The Washington State Military Family Leave Act follows behind the recent changes at the Federal level to provide a military leave component to the Federal Family Medical Leave Act.<sup>1</sup>

The Washington Military Family Leave Act provides that during a period of military conflict, as declared by Congress or the President, an employer must allow a total of 15 days of unpaid leave per deployment for an employee who is the spouse of a member of the United States armed forces, national guard or reserves who has been notified of an impending call or offer to active duty, or who has been deployed, or who is on leave from deployment.

In order to take advantage of this leave, an employee must provide notice to the employer within 5 business days of receiving the official notice that the employee's spouse will be on leave, or of an impending call or order to active duty.

An employee may elect to substitute accrued leave for any part of the family military leave. An employee who takes leave under the act is entitled to be restored to a position of employment and receive the same benefits as an employee receives under the Family Leave Act.

An employee is defined as a person who provides service for hire for an average of 20 hours or more per week, excluding an independent contractor. All employers are subject to this provision.

- For a copy of the bill as passed see <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Senate%20Passed%20Legislature/6447.PL.pdf>
- For more information see <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military/default.asp>

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<sup>1</sup> see article in Spring 2008 *Benefits Insider* newsletter  
<http://www.kpcom.com/newsletters/documents/Benefits%20Insider%20Spring%202008.pdf>