

1 **ARTICLE 15**
2 **FAMILY AND MEDICAL LEAVE, PARENTAL LEAVE, PREGNANCY**
3 **DISABILITY LEAVE, AND PAID FAMILY AND MEDICAL LEAVE**
4

5 **15.1 A.** Consistent with the federal Family and Medical Leave Act of 1993 (FMLA)
6 an employee who has worked for the state for at least twelve (12) months
7 and for at least one thousand two hundred fifty (1,250) hours during the
8 twelve (12) months prior to the requested leave is entitled to up to twelve
9 (12) workweeks of family medical leave in a twelve (12) month period for
10 one or more of the following reasons 1 through 4:

- 11 1. Parental leave for the birth and to care for a newborn child, or
12 placement for adoption or foster care of a child and to care for that
13 child.
- 14 2. Personal medical leave due to the employee's own serious health
15 condition that requires the employee's absence from work.
- 16 3. Family medical leave to care for a spouse, son, daughter, or parent
17 or state registered domestic partner as defined by RCWs 26.60.020
18 and 26.60.030 who suffers from a serious health condition that
19 requires on-site care or supervision by the employee.
- 20 4. Family medical leave for a qualifying exigency when the
21 employee's spouse, child of any age or parent is on active duty or
22 on call to active duty status of the Armed Forces, Reserves or
23 National Guard for deployment to a foreign country.

24 Qualifying exigencies include attending certain military events,
25 arranging for alternate childcare, addressing certain financial and
26 legal arrangements, attending certain counseling sessions, rest and
27 recuperation, and attending post-deployment reintegration briefings.
28 In addition, the Employer and the employee may agree that other

1 events which arise out of the covered military member's active duty
2 or call to active duty status qualify as an exigency, provided both
3 agree to the timing and duration of the leave.

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

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

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

- 17 C. Entitlement to family medical leave for the care of a newborn child or newly
18 adopted or foster child ends twelve (12) months from the date of birth or the
19 placement of the foster or adopted child.

- 20 D. The one thousand two hundred fifty (1,250) hour eligibility requirement
21 noted above does not count paid time off such as time used as vacation
22 leave, sick leave, personal holidays, compensatory time off, or shared leave.

23 **15.2** The family medical leave entitlement period will be a twelve (12) month period
24 measured forward from the date an employee begins family medical leave. Each
25 time an employee takes family medical leave during the twelve (12) month period,
26 the leave will be subtracted from the twelve (12) workweeks of available leave.

1 **15.3** The Employer will continue the employee's existing employer-paid health
2 insurance, life insurance and disability insurance benefits during the period of leave
3 covered by family medical leave. The employee will be required to pay their share
4 of health insurance, life insurance and disability insurance premiums. The
5 Employer may require an employee to exhaust all paid leave prior to using any
6 leave without pay (except for compensable work-related injury or illness), except
7 that the employee will be allowed to use eight (8) hours a month of accrued leave
8 during each month to provide for the continuation of benefits as provided for by the
9 Public Employees Benefit Board.

10 **15.4** The Employer has the authority to designate absences that meet the criteria of the
11 family medical leave.

12 A. For events qualifying under FMLA described in Section 15.1 (excluding
13 compensable work related illness of injury and compensatory time), family
14 medical leave runs concurrently with, not in addition to, any paid or unpaid
15 leave.

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

20 B. An employee using paid leave during a family medical leave qualifying
21 event must follow the notice and certification requirements relating to
22 family medical leave usage in addition to any notice requirements relating
23 to the paid leave.

24 **15.5 Parental and Pregnancy Disability Leave**

25 A. Parental leave will be granted to the employee for the purpose of bonding
26 with their newborn, adoptive or foster child. Parental leave may extend up
27 to six (6) months, including time covered by the family medical leave,

1 during the first year after the child's birth or placement. Leave beyond the
2 period covered by family medical leave and pregnancy disability may only
3 be denied by the Employer due to operational necessity. Such denial may
4 be grieved beginning at the top internal step of the grievance procedure in
5 [Article 30](#).

6 B. Parental leave may be a combination of the employee's accrued vacation
7 leave, sick leave, personal holiday, compensatory time, or leave without
8 pay. Parental leave may be taken on an intermittent or reduced schedule
9 basis in accordance with [Subsection 15.5 A](#).

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

14 **15.6** The Employer may require certification from the employee's, family member's, or
15 covered service member's health care provider for the purpose of qualifying for
16 family medical leave.

17 **15.7** Personal medical leave, serious health condition leave, or serious injury or illness
18 leave covered by family medical leave may be taken intermittently or on a reduced
19 schedule basis when certified as medically necessary. Employees must make
20 reasonable efforts to schedule leave for planned medical treatment so as not to
21 unduly disrupt the Employer's operations. Leave due to qualifying exigencies may
22 also be taken on an intermittent basis.

23 **15.8** Upon returning to work after the employee's own family medical leave qualifying
24 illness, the employee may be required to provide a fitness for duty certificate from
25 a health care provider.

26 **15.9** The employee will provide the Employer with not less than thirty (30) days' notice
27 before family medical leave is to begin. If the need for the leave is unforeseeable

1 thirty (30) days in advance, then the employee will provide such notice as is
2 reasonable and practicable.

3 **15.10** An employee returning from family medical leave will have return rights in
4 accordance with FMLA

5 **15.11** Both parties agree that nothing in this Agreement will prevent an employee from
6 filing a complaint regarding FMLA with the Department of Labor **15.12**
7 Definitions used in this Article will be in accordance with the FMLA. The
8 parties recognize that the Department of Labor is working on further defining the
9 amendments to FMLA. The Employer and the employees will comply with existing
10 and any adopted federal FMLA regulations and/or interpretations.

11 **15.13 Washington State Paid Family and Medical Leave Program (PFML)**

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

20 A. The parties recognize that the Washington State Paid Family and Medical
21 Leave (PFML) program (RCW 50A) is in effect and eligibility for and
22 approval for leave for purposes as described under that Program shall be in
23 accordance with RCW 50A.

24 B. The employee will provide the Employer with not less than thirty (30) days'
25 notice before PFML is to begin. If the need for the leave is unforeseeable
26 thirty (30) days in advance, then the employee will provide such notice as
27 is reasonable and practicable.

1 C. The employee may use sick leave, personal holiday, compensatory time,
2 personal leave day or vacation leave as a supplemental benefit while
3 receiving a partial wage replacement for paid family and/or medical leave
4 under the PFML. The employer may require verification that the employee
5 has been approved to receive benefits for paid family and/or medical leave
6 under Title 50A RCW before approving leave as a supplemental benefit.

11 **TENTATIVE AGREEMENT REACHED**

12 **FOR THE UNION:**

FOR THE EMPLOYER:

13 James Dannen

Janetta Sheehan

14 **DATE**

September 22, 2022 **DATE**

15 **JAMES DANNEN**

JANETTA SHEEHAN