

SB 6447 - H COMM AMD  
By Committee on Commerce & Labor

ADOPTED AS AMENDED 03/06/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** In order to support the families of  
4 military personnel serving in military conflicts, and to assure that  
5 these families are able to spend time together after being notified of  
6 an impending call or order to active duty and before deployment and  
7 during a military member's leave from deployment, the legislature  
8 hereby creates the military family leave act.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Department" and "spouse" have the same meanings as in RCW  
12 49.78.020.

13 (2) "Employee" means a person who performs service for hire for an  
14 employer, for an average of twenty or more hours per week, and includes  
15 all individuals employed at any site owned or operated by an employer,  
16 but does not include an independent contractor.

17 (3) "Employer" means: (a) Any person, firm, corporation,  
18 partnership, business trust, legal representative, or other business  
19 entity which engages in any business, industry, profession, or activity  
20 in this state; (b) the state, state institutions, and state agencies;  
21 and (c) any unit of local government including, but not limited to, a  
22 county, city, town, municipal corporation, quasi-municipal corporation,  
23 or political subdivision.

24 (4) "Period of military conflict" means a period of war declared by  
25 the United States Congress, declared by executive order of the  
26 president, or in which a member of a reserve component of the armed  
27 forces is ordered to active duty pursuant to either sections 12301 and  
28 12302 of Title 10 of the United States Code or Title 32 of the United  
29 States Code.

1        NEW SECTION.    **Sec. 3.**    (1) During a period of military conflict, an  
2 employee who is the spouse of a member of the armed forces of the  
3 United States, national guard, or reserves who has been notified of an  
4 impending call or order to active duty or has been deployed is entitled  
5 to a total of fifteen days of unpaid leave per deployment after the  
6 military spouse has been notified of an impending call or order to  
7 active duty and before deployment or when the military spouse is on  
8 leave from deployment.

9        (2) An employee who takes leave under this chapter is entitled:  
10 (a) To be restored to a position of employment in the same manner as an  
11 employee entitled to leave under chapter 49.78 RCW is restored to a  
12 position of employment, as specified in RCW 49.78.280; and (b) to  
13 continue benefits in the same manner as an employee entitled to leave  
14 under chapter 49.78 RCW continues benefits, as specified in RCW  
15 49.78.290.

16        (3) An employee who seeks to take leave under this chapter must  
17 provide the employer with notice, within five business days of  
18 receiving official notice of an impending call or order to active duty  
19 or of a leave from deployment, of the employee's intention to take  
20 leave under this chapter.

21        (4) An employer from which an employee seeks to take leave or takes  
22 leave under this chapter shall not engage in prohibited acts as  
23 specified in RCW 49.78.300.

24        (5) An employee who takes leave under this chapter may elect to  
25 substitute any of the accrued leave to which the employee may be  
26 entitled for any part of the leave provided under this chapter.

27        (6) The department shall administer the provisions of this chapter,  
28 and may adopt rules as necessary to implement this chapter.

29        (7) This chapter shall be enforced as provided in chapter 49.78  
30 RCW.

31        NEW SECTION.    **Sec. 4.**    Sections 1 through 3 of this act constitute  
32 a new chapter in Title 49 RCW."

33        Correct the title.

EFFECT:    Allows an employee to take military family leave after a

call to active duty and before deployment (as well as during the spouse's leave from deployment).

Specifies that the employee is entitled to be restored to a position of employment and to continue benefits in the same manner as in the state Family Leave Law.

Specifies that the employer shall not engage in prohibited acts as specified in the state Family Leave Law.

Does not specify that military family leave is in addition to other leave to which the employee may be entitled.

Specifies that an employee may elect to substitute accrued leave for any part of military family leave.

Specifies that military family leave rights shall be enforced as provided in the state Family Leave Law.

--- END ---