

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

ADOPTED AND ENGROSSED 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 **Sec. 5.** RCW 38.40.060 and 2001 c 71 s 1 are each amended to read
34 as follows:

35 Every officer and employee of the state or of any county, city, or
36 other political subdivision thereof who is a member of the Washington

1 national guard or of the army, navy, air force, coast guard, or marine
2 corps reserve of the United States, or of any organized reserve or
3 armed forces of the United States shall be entitled to and shall be
4 granted military leave of absence from such employment for a period not
5 exceeding (~~fifteen~~) twenty-one days during each year beginning
6 October 1st and ending the following September 30th. Such leave shall
7 be granted in order that the person may report for active duty, when
8 called, or take part in active training duty in such manner and at such
9 time as he or she may be ordered to active duty or active training
10 duty. Such military leave of absence shall be in addition to any
11 vacation or sick leave to which the officer or employee might otherwise
12 be entitled, and shall not involve any loss of efficiency rating,
13 privileges, or pay. During the period of military leave, the officer
14 or employee shall receive from the state, or the county, city, or other
15 political subdivision, his or her normal pay."

16 Correct the title.

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