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**Commerce & Labor Committee**

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**SB 6447**

**Brief Description:** Allowing unpaid leaves of absence for military personnel needs.

**Sponsors:** Senators Hobbs, Jacobsen, Shin and Rasmussen.

**Brief Summary of Bill**

- Requires employers to allow employees up to 15 days of unpaid leave when their spouses are on leave from deployment during periods of military conflict.

**Hearing Date:** 2/26/08

**Staff:** Jill Reinmuth (786-7134).

**Background:**

Federal law and laws in some other states provide that certain employees are entitled to leave related to a family member's military service. No laws in Washington address such leave.

Federal Law

The federal National Defense Authorization Act for Fiscal Year 2008 amended the federal Family and Medical Leave Act to provide that eligible employees are entitled to certain "military family leave."

Military family leave includes up to 26 weeks of unpaid leave in a 12-month period to care for family members injured while on active duty in the Armed Forces. (This provision became effective on January 28, 2008.) It also includes up to 12 weeks of unpaid leave in a 12-month period for any qualifying exigencies arising out of the fact that family members are on active duty in the Armed Forces in support of contingency operations. (This provision is not operative until the federal Secretary of Labor determines, by regulation, the qualifying exigencies that will entitle an eligible employee to take leave.)

An eligible employee is one who: (1) works for a covered employer; and (2) has worked for the same employer for at least 12 months, and for at least 1,250 hours over the previous 12 months.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

An eligible employee is not one who works at a location at which the employer employs less than 50 employees if the total number employed within 75 miles of that worksite is less than 50. A covered employer is a private employer that had 50 or more employees in at least 20 weeks of the current or preceding year, or a public agency.

#### Laws in Other States

Laws in at least seven states (California, Illinois, Indiana, Maine, Minnesota, Nebraska, and New York) provide that eligible employees are entitled to limited unpaid leave related to a family member's military service.

#### **Summary of Bill:**

The state Family Military Leave Act (Act) is created. During periods of military conflict, employers must allow employee spouses of members of the Armed Forces, National Guard, or Reserves up to 15 days of unpaid leave from employment when their military spouses are on leave from deployment.

An "employee" is a person who performs service for hire for an employer for an average of 20 or more hours per week. "Employee" includes individuals employed at any site owned or operated by an employer, but not independent contractors.

An "employer" is any person or business entity that engages in business in the state. "Employer" also means the state and any unit of local government.

A "period of military conflict" is a period of war declared by the President or Congress or a period in which members of the Reserves are ordered to active duty.

The employee spouse must provide his or her employer with notice of his or her intention to take family military leave. This notice must be provided within five business days of receiving official notice that the military spouse will be on leave from deployment.

Family military leave is in addition to other leave to which an employee may be entitled. Retaliation against an employee for requesting or taking family military leave is prohibited.

The Director of the Department of Labor and Industries is required to administer the Act and adopt rules as necessary.

**Rules Authority:** The Director of the Department of Labor and Industries is required to adopt rules as necessary.

**Appropriation:** None.

**Fiscal Note:** Available for the Department of Labor and Industries and Local Government.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.