

FINAL BILL REPORT

SB 6447

C 71 L 08

Synopsis as Enacted

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

Sponsors: Senators Hobbs, Jacobsen, Shin and Rasmussen.

Senate Committee on Government Operations & Elections

House Committee on Commerce & Labor

Background: All U.S. service members (service members), Active or Reserve, and Department of Defense (DoD) civilian employees assigned to a 12-month tour of duty to one of 17 contingency countries in support of Operation Enduring Freedom or Operation Iraqi Freedom are eligible for the Rest and Recuperation (R&R) program. The R&R program entitles all service members and DoD civilians to 15 days of leave during their deployment. Service members and DoD civilians who are deployed to one of the 17 contingency locations for 15 months are entitled to 18 days of leave.

Summary: The Family Military Leave Act (Act) is established and enforced as provided in the state Family Leave Law. During a period of military conflict an employer must allow an employee who is married to a military member of the U.S. Armed Forces, National Guard, or Reserves to take up to 15 days unpaid leave: while their military spouse is on leave from a deployment; or before and up to deployment once the spouse receives official notification of an impending call or order to active duty. An employee must provide his or her employer with notice of the employee's intention to take leave within five business days of receiving official notice: that the employee's spouse will be on leave; or of an impending call or order to active duty. The 15 days of unpaid leave is per deployment. 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 an employee receives under the Family Leave Law. An employer may not engage in prohibited acts specified in the Family Leave Law.

An employee is defined as a person who provides a service for hire for an average of 20 or more hours weekly – excludes an independent contractor. An employer is defined as: a person, firm, corporation, partnership, or other business entity; the state, a state institution, and state agency; and any unit of local government. A period of military conflict is defined as a declared period of war.

The number of days a state or local officer or employee who is also a member of the Washington National Guard or Reserves is entitled for military leave of absence from employment is extended from 15 to 21 days each year.

Votes on Final Passage:

Senate 47 0

House 92 1 (House amended)
Senate 47 0 (Senate concurred)

Effective: June 12, 2008