

COMPARISON OF LAWS GOVERNING LEAVE FROM EMPLOYMENT

	State Family Care Law	Federal Family and Medical Leave Act	State Family Leave Law	State Pregnancy Discrimination	State Family Leave Insurance
Relevant Statutes	RCW 49.12.265 - .295	29 U.S.C. §§ 2601-2654	Chapter 49.78 RCW	RCW 49.60.180; WAC 162-30-020(4)	Chapter 49.86 RCW
Responsible Agency	Washington Department of Labor and Industries	United States Department of Labor	Washington Department of Labor and Industries	Washington Human Rights Commission	Department directed to administer the program.
Covered Employers	Private employers and most public employers that have <u>1 or more</u> employees.	Private employers that had <u>50 or more</u> employees in at least 20 weeks of the current or preceding year. Public agencies.	Private employers that had <u>50 or more</u> employees in at least 20 weeks of the current or preceding year. State agencies. Local governments.	Most employers who employ <u>8 or more</u> persons.	Employers who employ <u>more than 25</u> employees.
Eligible Employees	Employees.	Employees who: <ul style="list-style-type: none"> • Work for a covered employer; • Worked for the same employer for at least 12 months; and • Worked at least 1,250 hours in the previous 12 months. <u>Not</u> employees who: <ul style="list-style-type: none"> ▪ Work where less than <u>50</u> employees are employed by the employer within 75 miles. 	Same as federal statute.	Most employees.	Individuals who: <ul style="list-style-type: none"> • Work for a covered employer; • Worked for the same employer for at least 12 months; • Worked at least 1,250 hours in the previous 12 months; and • Received family leave insurance benefits or earned waiting period credits.

Comparison of Laws Governing Leave from Employment

	State Family Care Law	Federal Family and Medical Leave Act	State Family Leave Law	State Pregnancy Discrimination	State Family Leave Insurance
Reasons for Leave	<p>Sick leave and other paid time off may be used to care for:</p> <ul style="list-style-type: none"> ▪ A child with a health condition that requires treatment or supervision; or ▪ A spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition. 	<p>Leave for:</p> <ul style="list-style-type: none"> ▪ The birth and care of a child; ▪ The placement of a child for adoption <u>or</u> foster care; ▪ The care of a family member with a serious health condition; or ▪ The serious health condition of the employee that makes the employee unable to work. 	<p>Same as federal statute.</p>	<p>Leave for:</p> <ul style="list-style-type: none"> ▪ The sickness or temporary disability of a woman because of pregnancy or childbirth. 	<p>Leave for:</p> <ul style="list-style-type: none"> ▪ The birth and care of a child; or ▪ The placement of a child for adoption.
Duration of Leave	<p>Time allowed for illness, vacation, and personal holiday, and in some circumstances, for a disability.</p>	<p>Up to 12 weeks in a 12-month period.</p>	<p>Same as federal statute.</p>	<p>The period of time that the woman is sick or temporarily disabled because of pregnancy or childbirth.</p>	<p>Up to 6 weeks in a 12-month period, including both the 7-day waiting period and the 5 weeks of benefits.</p>

Comparison of Laws Governing Leave from Employment

	State Family Care Law	Federal Family and Medical Leave Act	State Family Leave Law	State Pregnancy Discrimination	State Family Leave Insurance
Restoration to Position	Silent.	Upon return from leave, employees must be restored to original or equivalent jobs. However, employers are not required to reinstate certain highly-paid employees in limited circumstances.	Same as federal statute, except that employees must be restored to their same or equivalent positions within 20 miles of their workplaces.	The employer must allow the woman to return to the same job, or a similar job of at least the same pay, if she has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth.	Same as state Family Leave Law.

Prepared For: Joint Legislative Task Force on Family Leave Insurance
 Subcommittee on Implementation
 Work Session on November 2, 2007

Prepared By: Jill Reinmuth, Office of Program Research
 360-786-7134 or reinmuth.jill@leg.wa.gov