



ADDENDUM A – FAMILY MEDICAL LEAVE ACT

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### Family Leave Act

Like the federal Family and Medical Leave Act (FMLA), Washington's Family Leave Act (FLA) provides up to 12 weeks of protected leave in a 12-month period for eligible employees. To be eligible, an employee must be employed at least 12 months with the employer and must have worked 1,250 hours in the 12-month period preceding the requested leave. In most cases, the FLA will run concurrently with the FMLA and the enforcement rights are under the federal law. Workers may enforce their rights under the FLA in the following three circumstances:

1. In the case of a pregnancy, when a woman works for an employer who has 50 or more employees within 75 miles of the pregnant woman's worksite, she will qualify for 12 weeks of FLA in addition to the pregnancy disability leave ordered by her health care provider. This will give her more total protected leave from work than her 12-week entitlement under the FMLA because, in most cases, her pregnancy disability leave will count against her 12 weeks of FMLA but not against her FLA. The FLA does not run during pregnancy disability leave. Instead, the 12 weeks of FLA will begin to run when the woman's doctor releases her to work following the birth of her child, usually six to eight weeks after the date of birth.
2. In a case when an employee qualifies for FMLA (50 employees within 75 miles, one year or more tenure, and having worked 1,250 hours in the past 12 months) and the employee needs leave to care for a registered domestic partner with a serious health condition, the employee can use up to 12 weeks of FLA for this purpose. Only the FLA will run, and the employee will still have 12 weeks of FMLA available for FMLA-qualifying purposes.
3. If a qualifying employee exhausts all or part of his or her FMLA entitlement because of qualifying exigency leave, the employee may still have access to all 12 weeks of state FLA. This is because certain military exigencies are not covered under the FLA and certain covered servicemembers do not meet the definition of family member under the FLA. In such cases, the FLA will not run when the FMLA is running for those purposes.

**More worker rights coming in 2019-20**

Starting in 2020, Washington will be the fifth state in the nation to offer paid family and medical leave benefits to workers. The program will be funded by premiums paid by both employees and many employers, and will be administered by the **Employment Security Department (ESD)**. This insurance program will allow workers to take necessary time off when they welcome a new child into their family, are struck by a serious illness or injury, or need to take care of an ill or ailing relative. As directed by the Legislature, premium payments begin on Jan. 1, 2019 and benefits can be taken starting Jan. 1, 2020.

For more information, see Paid Family and Medical Leave (PFML) ([www.esd.wa.gov](http://www.esd.wa.gov)).

For information about qualifying exigency leave under the FMLA, see: [Military Family Leave Provisions of the FMLA Frequently Asked Questions](#)

If your situation does not fit into any of the three circumstances described above, the FMLA supersedes the FLA and you must enforce your rights under the federal law.

**For more information:**

- Family Leave – RCW 49.78.010 through 49.78.904 ([apps.leg.wa.gov](http://apps.leg.wa.gov))
- Washington State Family Leave Act Q&A (122 KB PDF).
- Table of Protected Leave Laws (131 KB PDF) Provides a comparison of state and federal laws regarding leave for pregnancy and other family care issues.
- File a Protected Leave Complaint (F700-144-000).

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