
SENATE BILL 6815

State of Washington

60th Legislature

2008 Regular Session

By Senators Rasmussen, Shin, Kastama, and Regala

Read first time 01/24/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to authorizing paid leaves of absence for military
2 personnel needs; amending RCW 49.86.050; adding a new section to
3 chapter 49.86 RCW; creating a new section; and providing an effective
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** In order to support the families of military
7 personnel serving in military conflicts, and to assure that these
8 families are able to spend time together during a military member's
9 leave from deployment, the legislature intends to provide fifteen days
10 paid leave.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.86 RCW
12 to read as follows:

13 (1) The definitions in this section apply throughout this section
14 unless the context clearly requires otherwise.

15 (a) "Employer" means: (i) Any person, firm, corporation,
16 partnership, business trust, legal representative, or other business
17 entity which engages in any business, industry, profession, or activity
18 in this state; (ii) the state, state institutions, and state agencies;

1 and (iii) any unit of local government including, but not limited to,
2 a county, city, town, municipal corporation, quasi-municipal
3 corporation, or political subdivision.

4 (b) "Employee" means a person who performs service for hire for an
5 employer, for an average of twenty or more hours per week, and includes
6 all individuals employed at any site owned or operated by an employer,
7 but does not include an independent contractor.

8 (c) "Spouse" means a husband or wife.

9 (d) "Period of military conflict" means a period of war declared by
10 the United States congress, declared by executive order of the
11 president, or in which a member of a reserve component of the armed
12 forces is ordered to active duty pursuant to either sections 12301 and
13 12302 of Title 10 of the United States Code or Title 32 of the United
14 States Code.

15 (2) The spouse of a member of the armed forces of the United
16 States, national guard, or reserves who has been deployed during a
17 period of military conflict shall be allowed up to fifteen days of
18 benefits under RCW 49.86.060 when their military spouse is on leave
19 from deployment during a period of military conflict.

20 (3) The employee spouse must provide his or her employer with
21 notice, within five business days of receiving official notice that the
22 military spouse will be on leave from deployment, of his or her
23 intention to take the family military leave.

24 (4) The leave provided for in this section is in addition to any
25 vacation, sick, or other leave the employee may be entitled.

26 (5) An employer shall not retaliate against an employee for
27 requesting or taking the leave provided for in this section.

28 (6) The director shall adopt rules as necessary to implement this
29 section.

30 **Sec. 3.** RCW 49.86.050 and 2007 c 357 s 7 are each amended to read
31 as follows:

32 (1) Except under section 2 of this act, the maximum number of weeks
33 during which family leave insurance benefits are payable in an
34 application year is five weeks. (~~However,~~) Except under section 2 of
35 this act, benefits are not payable during a waiting period consisting
36 of the first seven calendar days of family leave taken in an

1 application year, whether the first seven calendar days of family leave
2 are employer paid or unpaid.

3 (2)(a) The first payment of benefits must be made to an individual
4 within two weeks after the claim is filed or the family leave began,
5 whichever is later, and subsequent payments must be made semimonthly
6 thereafter.

7 (b) The payment of benefits under this chapter shall not be
8 considered a binding determination of the obligations of the department
9 under this chapter. The acceptance of compensation by the individual
10 shall likewise not be considered a binding determination of his or her
11 rights under this chapter. Whenever any payment of benefits under this
12 chapter has been made and timely appeal therefrom has been made where
13 the final decision is that the payment was improper, the individual
14 shall repay it and recoupment may be made from any future payment due
15 to the individual on any claim under this chapter. The director may
16 exercise his or her discretion to waive, in whole or in part, the
17 amount of any such payments where the recovery would be against equity
18 and good conscience.

19 (c) If an individual dies before he or she receives a payment of
20 benefits, the payment shall be made by the department and distributed
21 consistent with the terms of the decedent's will or, if the decedent
22 dies intestate, consistent with the terms of RCW 11.04.015.

23 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2008.

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