

CERTIFICATION OF ENROLLMENT

SENATE BILL 6447

Chapter 71, Laws of 2008

60th Legislature
2008 Regular Session

MILITARY FAMILY LEAVE

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 10, 2008
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2008
YEAS 92 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2008, 9:42 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6447** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 20, 2008

**Secretary of State
State of Washington**

SENATE BILL 6447

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senators Hobbs, Jacobsen, Shin, and Rasmussen

Read first time 01/16/08. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to allowing unpaid leaves of absence for military
2 personnel needs; amending RCW 38.40.060; and adding a new chapter to
3 Title 49 RCW.

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

5 NEW SECTION. **Sec. 1.** In order to support the families of military
6 personnel serving in military conflicts, and to assure that these
7 families are able to spend time together after being notified of an
8 impending call or order to active duty and before deployment and during
9 a military member's leave from deployment, the legislature hereby
10 creates the military family leave act.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Department" and "spouse" have the same meanings as in RCW
14 49.78.020.

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

1 (3) "Employer" means: (a) Any person, firm, corporation,
2 partnership, business trust, legal representative, or other business
3 entity which engages in any business, industry, profession, or activity
4 in this state; (b) the state, state institutions, and state agencies;
5 and (c) any unit of local government including, but not limited to, a
6 county, city, town, municipal corporation, quasi-municipal corporation,
7 or political subdivision.

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

14 NEW SECTION. **Sec. 3.** (1) During a period of military conflict, an
15 employee who is the spouse of a member of the armed forces of the
16 United States, national guard, or reserves who has been notified of an
17 impending call or order to active duty or has been deployed is entitled
18 to a total of fifteen days of unpaid leave per deployment after the
19 military spouse has been notified of an impending call or order to
20 active duty and before deployment or when the military spouse is on
21 leave from deployment.

22 (2) An employee who takes leave under this chapter is entitled:
23 (a) To be restored to a position of employment in the same manner as an
24 employee entitled to leave under chapter 49.78 RCW is restored to a
25 position of employment, as specified in RCW 49.78.280; and (b) to
26 continue benefits in the same manner as an employee entitled to leave
27 under chapter 49.78 RCW continues benefits, as specified in RCW
28 49.78.290.

29 (3) An employee who seeks to take leave under this chapter must
30 provide the employer with notice, within five business days of
31 receiving official notice of an impending call or order to active duty
32 or of a leave from deployment, of the employee's intention to take
33 leave under this chapter.

34 (4) An employer from which an employee seeks to take leave or takes
35 leave under this chapter shall not engage in prohibited acts as
36 specified in RCW 49.78.300.

1 (5) An employee who takes leave under this chapter may elect to
2 substitute any of the accrued leave to which the employee may be
3 entitled for any part of the leave provided under this chapter.

4 (6) The department shall administer the provisions of this chapter,
5 and may adopt rules as necessary to implement this chapter.

6 (7) This chapter shall be enforced as provided in chapter 49.78
7 RCW.

8 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
9 a new chapter in Title 49 RCW.

10 **Sec. 5.** RCW 38.40.060 and 2001 c 71 s 1 are each amended to read
11 as follows:

12 Every officer and employee of the state or of any county, city, or
13 other political subdivision thereof who is a member of the Washington
14 national guard or of the army, navy, air force, coast guard, or marine
15 corps reserve of the United States, or of any organized reserve or
16 armed forces of the United States shall be entitled to and shall be
17 granted military leave of absence from such employment for a period not
18 exceeding (~~fifteen~~) twenty-one days during each year beginning
19 October 1st and ending the following September 30th. Such leave shall
20 be granted in order that the person may report for active duty, when
21 called, or take part in active training duty in such manner and at such
22 time as he or she may be ordered to active duty or active training
23 duty. Such military leave of absence shall be in addition to any
24 vacation or sick leave to which the officer or employee might otherwise
25 be entitled, and shall not involve any loss of efficiency rating,
26 privileges, or pay. During the period of military leave, the officer
27 or employee shall receive from the state, or the county, city, or other
28 political subdivision, his or her normal pay.

Passed by the Senate March 10, 2008.

Passed by the House March 6, 2008.

Approved by the Governor March 19, 2008.

Filed in Office of Secretary of State March 20, 2008.