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**HOUSE BILL 2328**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Low, Bronoske, Duerr, Rule, Chambers, Berry, Bateman, Doglio, Nance, Timmons, Reed, Riccelli, Springer, and Ramel

AN ACT Relating to continued health benefits during paid family and medical leave for firefighters of small fire districts; and amending RCW 50A.35.020.

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

**Sec.**  RCW 50A.35.020 and 2019 c 13 s 39 are each amended to read as follows:

(1) If required by the federal family and medical leave act, as it existed on October 19, 2017, during any period of family or medical leave taken under this title, the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date the employee commenced family or medical leave until the date the employee returns to employment. If the employer and employee share the cost of the existing health benefits, the employee remains responsible for the employee's share of the cost.

(2)(a) If an employer is not required to maintain the existing health benefits of an employee, who is a firefighter, pursuant to subsection (1) of this section only because the employer is a small fire district, then the employer shall maintain the health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date the employee commenced paid family or medical leave under this chapter until the date the employee returns to employment. If the employer and employee share the cost of the existing health benefits, the employee remains responsible for the employee's share of the cost.

(b) The definitions in this subsection (2)(b) apply throughout this subsection unless the context clearly requires otherwise.

(i) "Small fire district" means a fire district, regional fire protection service authority, or regional fire protection district that employs employees at a worksite at which less than 50 employees are employed if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(ii) "Firefighter" has the same meaning as in RCW 41.26.030(17) (a), (b), (c), and (h).

(3) This section does not apply to an employee who is not in employment for an employer at the time of filing an application for benefits.

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