

(ii) The employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that the injury would occur; and

(iii) The leave has commenced and the employee elects not to return to employment after receiving the notice. [2019 c 13 s 4; 2017 3rd sp.s. c 5 s 31. Formerly RCW 50A.04.025.]

RCW 50A.35.020 Continuation of health benefits. 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. 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. [2019 c 13 s 39; 2017 3rd sp.s. c 5 s 70. Formerly RCW 50A.04.245.]

RCW 50A.35.030 Employer supplementation—Rights not subject to waiver or diminishment. (1) Nothing in this title shall be construed to discourage employers from:

(a) Adopting or retaining leave policies more generous than any policies that comply with the requirements under this title; or

(b) Making supplemental benefit payments as provided under RCW 50A.15.060 to an employee on paid family or medical leave.

(2) Any agreement by an individual to waive, release, or commute his or her rights under this title is void as against public policy.

(3) After January 1, 2020, subject to *RCW 50A.05.090, an employee's rights under this title may not be diminished by a collective bargaining agreement or employer policy. [2019 c 13 s 42; 2017 3rd sp.s. c 5 s 78. Formerly RCW 50A.04.260.]

***Reviser's note:** RCW 50A.05.090 expired December 31, 2023.