

**WAC 296-130-030 Employee rights.** (1) If, under the terms of a collective bargaining agreement or employer policy applicable to an employee, the employee is entitled to sick leave or other paid time off, then an employer must allow an employee to use any or all of the employee's choice of sick leave or other paid time off to care for:

(a) A child of the employee with a health condition as defined in WAC 296-130-020(10); or

(b) A spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency condition, also defined in WAC 296-130-020 (11) and (12).

(2) An employee may not take leave until it has been earned. The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave. Use of leave other than sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

Note: Many employers combine paid leave categories such as sick leave and vacation leave, often described as "paid time off" or PTO. Such PTO allows employees the choice as to their use of this leave, thereby maintaining the intent of this chapter. In addition, employers may require employees to use PTO (provided it may be used for any purpose) as a prerequisite to using leave designated for a specific purpose, such as an extended illness leave, without violating this chapter, provided other leave is available for employees to use to care for sick family members on the same terms that it is available for an employee's health condition.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. WSR 03-03-010, § 296-130-030, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. WSR 88-18-044 (Order 88-20), § 296-130-030, filed 8/31/88.]