



Protected Leave Laws

State Laws – Department of Labor & Industries

Paid Sick Leave ([RCW 49.46](#); [WAC 296-128](#))

- Applies to Washington workers unless they do not meet the definition of “employee” under the Minimum Wage Act (MWA) or an employee has no accrued, unused paid sick leave hours available for use.
- Employees must be allowed to accrue at least one hour of paid sick leave for every 40 hours worked.
- Employees may use their accrued, unused paid sick leave for one of the following authorized purposes: to care for an employee’s self; to care for an employee’s “family member”; when the employee’s place of business has been closed by order of a public official for any health-related reason, or the employee’s child’s school or place of care has been closed for such a reason; absences that qualify for leave under the Domestic Violence Leave Act; and additional purposes allowed by the employer.
- Family members included in the paid sick leave law: a child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status; a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling.
- When employees use their accrued, unused paid sick leave for one of the authorized purposes, they must be paid the greater of the minimum hourly wage rate established in the MWA or their normal hourly compensation.

Family Care Act ([RCW 49.12.265](#); [WAC 296-130](#))

- Applies to all employers who provide a paid leave benefit.
- Does not apply if an employee has no paid leave available or is not yet entitled to use earned paid leave (as in a probationary period).
- Employees can use their choice of earned paid leave such as sick leave, vacation, holiday, paid time off (PTO), and some short-term disability plans for family care purposes.
- Family members included in the Family Care Act are: spouses, registered domestic partners, children, parents, parents-in-law, and grandparents with a serious health condition or an emergency condition.
- Includes use of earned paid leave to care for a child < 18 with a health condition that requires treatment or supervision, including preventive care or for an adult child ≥ 18 who cannot care for him or herself because of disability.
- Includes short-term care of a spouse or registered domestic partner temporarily disabled because of pregnancy or childbirth.

Family Leave Act (FLA) ([RCW 49.78](#))

- Like the federal Family Medical Leave Act (FMLA), the FLA provides job protection when leave is taken for a qualifying reason.
- Covers employers who employ ≥ 50 employees during twenty or more calendar weeks during the current or previous year.
- Eligible employees are employees who worked **1,250 hours** in past 12 months.
- The FLA provides 12 weeks of leave during a 12-month period – these weeks will usually run concurrently with FMLA leave.
- At this time, L&I enforces only: 1) leave benefits for eligible employees to care for a registered domestic partner with a serious health condition, 2) leave benefits that remain after an employee has exhausted FMLA leave for an exigent deployment reason or as a military caregiver, and 3) additional family leave benefits for women who qualify for pregnant disability leave under the Washington State Law Against Discrimination (WLAD).
- Unless one of the circumstances above applies, L&I will not enforce the FLA.
- Eligible employees can enforce their rights to protected family and medical leave under the FMLA through the U.S. Department of Labor or a private civil action.
- The 12 weeks of FLA is **in addition to** any leave taken because an employee is temporarily disabled by pregnancy or childbirth (“pregnancy disability leave”).
- Pregnancy disability leave is covered by the WLAD and enforced by the Washington Human Rights Commission: www.hum.wa.gov .

Leave for Victims of Domestic Violence, Sexual Assault & Stalking ([RCW 49.76](#))

- Provides job protection for employees who are victims or whose family members are victims of domestic violence, sexual assault or stalking.
- Family members include a child, a spouse, a parent, a parent-in-law, a grandparent or a person the employee is dating.
- Leave may be taken for legal or law enforcement assistance, medical treatment, counseling, obtaining services from a shelter or a victim’s advocate program, or for safety planning or relocation.
- Provides as much leave as is reasonable under the circumstances.
- Employers may not refuse to make reasonable safety accommodations.
- Employees may choose unpaid or paid leave if available such as sick leave or vacation.
- Employers may not discriminate or retaliate against an individual because the individual is a victim or perceived victim of domestic violence, including refusing to hire qualified job applicants because the individual is an actual or perceived victim.
- All public and private employers are covered, regardless of size.
- If no emergency or unforeseen circumstances exist, the employee must give advance notice of intent to take leave consistent with the employer’s stated policy for requesting such leave.
- The employee must give notice no later than the end of the first day of the leave to qualify, even in emergency circumstances.

Leave for Spouses of Deployed Military Personnel ([RCW 49.77](#))

- Provides job protection for spouses or registered domestic partners of military personnel (active duty, national guard, or reserves).
- All employers, public and private, are covered, regardless of size.
- An employee who works ≥ 20 hours per week on average is covered.
- Covered employees can take up to 15 days unpaid leave to spend time together after receiving notice of an impending call or order to active duty and during the military member's leave from deployment during times of military conflict.
- This law does not provide for leave at the end of a deployment.
- Leave is without pay unless the employee has accrued paid leave and chooses to substitute paid leave for unpaid leave.
- Employees must give notice of intent to take military family leave within five business days of receiving official notice of the deployment or the leave from deployment in order for the leave to qualify for job protection.

Leave for Certain Emergency Services Personnel ([RCW 49.12.460](#))

- Public and private employers who employed ≥ 20 full time equivalent employees in the previous year are covered.
- Volunteer firefighters, reserve officers or civil air patrol members are covered.
- Provides job protection to covered employees responding to, working at, or returning from a fire alarm or emergency call.
- Volunteer firefighters must be on the alarm or emergency call and ordered to remain at the scene by the commanding authority in order to be covered.
- Does not provide leave for participating in training or other nonemergency activities.
- Complaints must be filed within 90 days.

Federal Law – U.S. Department of Labor

Family and Medical Leave Act (FMLA)

- Employers with ≥ 50 employees within 75-mile radius; employees with 1,250 hours in past year.
- Provides job protection for 12 weeks leave to care for self or family member with serious health condition: includes spouse, child, or parent.
- L&I has no enforcement authority – call U.S. Department of Labor, Seattle District Office, at 206-398-8039 or visit the U.S. Department of Labor Wage and Hour Division's webpage on FMLA: www.dol.gov/whd/fmla/ .

Washington Leave Law	Paid or Unpaid Leave	Family Members Covered	Leave Allowed	Employer-Employee Criteria
Paid Sick Leave RCW 49.46 WAC 296-128	Paid sick leave only applies when employees have accrued, unused leave for use	Child, a parent, a spouse, a registered domestic partner, a grandparent, a grandchild, or a sibling	Employees must be allowed to accrue at least one hour of paid sick leave for every 40 hours worked. Employees may use their accrued, unused paid sick leave to care for an employee's self; to care for an employee's "family member"; when the employee's place of business, or the employee's child's school or place of care has been closed by order of a public official for any health-related reason; absences that qualify for leave under the Domestic Violence Leave Act; and additional purposes allowed by the employer	Applies to Washington businesses that meet the definition of "employer" under the MWA, regardless of employer size; Applies to Washington workers unless they do not meet the definition of "employee" under the MWA
Family Care Act RCW 49.12.265 WAC 296-130	Paid Leave	Child, spouse, registered domestic partner, parent, parent-in-law, grandparent	Use of paid leave for care of a sick family member	No size requirement; Employee must have a paid leave benefit
Family Leave Act RCW 49.78	Unpaid Leave; unless paid leave is substituted by Employee	Registered Domestic Partner Employee taking pregnancy disability leave	12 weeks annually concurrent with 12 weeks of FMLA Exception: does not run during any pregnancy disability leave under the WLAD	Employers with ≥ 50 employees within 75 miles (in WA) Employee who worked 1,250 hours in previous 12 months
Leave for Victims of Domestic Violence, Sexual Assault, and Stalking RCW 49.76 WAC 296-135	Unpaid unless employee wishes to substitute paid leave	Child, spouse, parent, parent-in-law, grandparent, or person the employee is dating	Reasonable leave for domestic violence, sexual assault or stalking - for legal, or law enforcement assistance, medical treatment, counseling, victim advocate, safety, or relocation	All employers and employees; No eligibility requirements
Leave for Spouses of Military Personnel RCW 49.77	Employee may choose to substitute paid leave	Spouses of all military personnel	15 days leave per deployment prior to deployment or when spouse on leave from deployment	All employers; Employees who work ≥ 20 hours a week on average
Leave for Certain Volunteer Emergency Services Personnel RCW 49.12.460	Unpaid	Employee	Leave related to an alarm of fire or an emergency call for volunteer firefighters and reserve officers; Leave related to emergency service operation for civil air patrol members	Employers who had ≥ 20 full time equivalent employees in the previous year