

## ***DOP Information Systems Communication – 03/24/08***

**What?** Absence Types – Family and Medical Leave Act (FMLA)

**Who?** HRMS HR and Payroll Offices

**Why?** Instructions for new FMLA leave type

**When?** Distribute immediately

**Message:** Agencies will need to manually track absences for a new FMLA leave type signed into law on January 28, 2008 which allows families to use leave to care for an injured member of the Armed Forces. Due to the HRMS upgrade, DOP will be unable to create a new absence type (specifically for this leave) in the system until early 2009.

### **From the [US Department of Labor Web site](#):**

*The President signed into law H.R. 4986, the National Defense Authorization Act for FY 2008 (NDAA). Among other things, section 585 of the NDAA [amends the Family and Medical Leave Act of 1993 \(FMLA\)](#) to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." Additional information and a copy of Title I of the FMLA, as amended, are available on the [website](#). (January 28, 2008)*

The employee is limited to a **combined** total of 26 weeks during a single 12-month period for Service Member Family Leave and leave for other FMLA qualifying reasons, but only a maximum of 12 weeks may be used for other FMLA qualifying reasons.

Examples:

- On March 1, 2008 Jane met the eligibility criteria to use up to 12 weeks FMLA to care for a newborn. She used 10 weeks. Jane's service member spouse was injured on July 10, 2008 and Jane met the eligibility criteria to care for him under the new service member rule. Jane could use up to an additional 16 weeks leave under the new rule, for a combined total of 26 weeks within a twelve-month period.
- On May 1, 2008 Joe met the eligibility criteria to use up to 26 weeks FMLA to care for his spouse, who was an injured service member. Joe used 6 weeks to care for his spouse. In August, Joe became ill and met the criteria to use FMLA for his (non service member) illness. He would be entitled to use **only** an additional twelve weeks of FMLA leave, for a total

of 18 weeks. Joe could not use any additional FMLA in the twelve month period **unless it was for a condition that met the criteria for the service member FMLA**, in which case he could use up to eight additional weeks, for a combined total of 26 weeks.

DOP is working on updating the current FMLA rules to address service member leave. The changes to these rules will be proposed for adoption at the May 8, 2008 Director's meeting.

Until a new code is available in HRMS, agencies should use an appropriate FMLA absence type code for paid or unpaid leave, and then manually keep track of the amount used for caring for a service member.

Code	Text	Code	Text
9001	Shared Lv FMLA	9201	Shared Lv FMLA U
9004	Vacation Leave FMLA	9204	Vacation Leave FMLA U
9038	LWOP FMLA	9211	Recogn Lv NRep FMLA U
9049	Sick Leave FMLA	9218	Exchange Time FMLA U
9074	Pers Hol FMLA	9238	LWOP FMLA U
9111	Recognition Lv NRep FMLA	9249	Sick Leave FMLA U
9118	Exchange Time FMLA	9274	Pers Hol FMLA U

**Questions? Contact:**

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## ***DOP Information Systems Communication – 05/12/08***

- What?** New leave-related laws from 2008 legislative session
- Who?** HR and Payroll Offices
- Why?** Advise agencies of the status of new rules and HRMS changes for:
- § **SHB 2602** - Regarding employment leave for victims of domestic violence, sexual assault, or stalking.
  - § **SSB 6500** - Authorizing leave sharing for victims of domestic violence, sexual assault, and stalking.
  - § **SB 6447** - Allowing unpaid leaves of absence for military personnel needs.

**When?** Distribute immediately

**Message:** Three bills passed during the 2008 legislative session require WAC rule changes. These changes are in draft form to accommodate the new laws for:

- § Employees who are victims, or whose family member is a victim, of domestic violence, sexual assault, or stalking.
- § Employees who are members of the military or employees whose spouses are members of the military.

DOP is currently in the rule-making process and plans to propose these changes for adoption at the July 10, 2008 Director's meeting with an effective date of October 1, 2008. Two of these bills (**SHB 2602** and **SB 6447**) are effective before October 1, 2008; **so employers must comply with these laws prior to the rule changes being effective.**

### **These are the new laws for which DOP is drafting rule changes:**

- **SHB 2602** (effective April 1, 2008) allows an employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, or stalking to take unpaid leave or use any accrued leave to recover from and cope with the effects of such violence. **There will be no new absence types created for this type of leave.**
- **SSB 6500** (effective October 1, 2008) allows employees who are victims of domestic violence, sexual assault, or stalking to request shared leave. Under this bill, to qualify for shared leave the employee must be the victim (not the employee's family member as in SHB 2602). Currently absence type *9000 Shared Lv Ill/Inj/Imp* is used for shared leave due to illness or injury. In 2009, we will update this absence type to be used for all types of

shared leave except shared leave for military purposes (absence type **9078 Shared Lv Military** is used for military shared leave).

This will allow agencies to use absence type **9000** for shared leave for illness, injury, or when an employee is a victim of domestic violence, sexual assault, or stalking.

**Beginning October 1, 2008, you should begin using absence type 9000** for shared leave when the shared leave is being used because the employee is a victim of domestic violence, sexual assault, or stalking and continue using it for shared leave for illness or injury. **The title for absence type 9000 will not be updated until after January 1, 2009.**

- **SB 6447** (effective June 12, 2008) allows an employee whose military spouse is being deployed or taking leave from deployment to take 15 days of unpaid leave, per deployment, to spend time with the military spouse. An employee may choose to substitute any accrued leave for any portion of the 15 days of unpaid leave.

DOP has determined that new absence types will need to be created to track the 15 days allowed under **SB 6447**. Due to the HRMS upgrade activities this year, these new absence types will not be in place until after January 1, 2009. **Agencies will need to track these absences manually beginning June 12, 2008.**

In addition, **SB 6447 changes the paid military leave from 15 days per year to 21 days per year.** Agencies setting up military leave quotas will need to consider this change when creating the military leave quota for employees who are entitled to military leave.

**Questions? Contact:**

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