

NEW MILITARY LEAVE INFORMATION

There are three new types of military leave available to employees with family members on active duty.

The first two are revisions within the federal Family Medical Leave Act (FMLA). The third is a new Washington State Family Military Law. **Please be aware that none of these recognize “domestic partners.”**

1. “ACTIVE DUTY” FAMILY LEAVE

“Active Duty” Family Leave is a new provision of the federal Family Medical Leave Act which allows an employee to take up to 12 workweeks of leave when they experience a “qualifying exigency” arising out of the fact that a spouse, parent or child is on or has been called to active duty. Employees are required to use any available paid leave during this period of time.

Qualifying exigencies would include:

1. Making arrangements for child care;
2. Making financial and legal arrangements to address the service member’s absence;
3. Attending counseling relating to the active duty;
4. Attending ceremonies when the participation of the family member is requested by the military;
5. Attending to farewell or arrival arrangements for the service member; and
6. Attending to affairs caused by the death or missing status of the service member.

To qualify for this type of leave, the employee must have worked for the District a minimum of 1250 hours during the 12 months preceding the leave. A copy of the military orders or documentation for the family member would also be required prior to the approval of this type of leave.

Employees are not allowed to use sick leave for this leave but are required to use any available vacation and/or personal leave. Once vacation and/or personal leave have been exhausted, employees may take an unpaid leave of absence.

2. “INJURED SERVICE MEMBER” FAMILY LEAVE

“Injured Service Member” Family Leave is available to an employee who is the spouse, son, daughter, parent or next of kin of a covered service member who has a serious injury or illness. Next of kin is defined as the “nearest blood relative of the service member.” Qualifying employees are entitled to a maximum of 26 workweeks of leave (which includes the 12 workweeks of traditional FMLA leave) in each 12-month period.

For an employee to qualify for this leave, the covered service member must:

1. be a member of the armed forces, National Guard, or reserves;
2. suffer from an illness or injury incurred on active duty that may render him or her medically unfit to perform the duties of his or her office, grade, rank or rating (i.e. a “serious injury or illness”); and
3. be undergoing medical treatment, recuperation or therapy, be in outpatient status, or be on the temporary disability retired list as a result of the serious injury or illness.

To qualify for this type of leave, the employee must have worked for the District a minimum of 1250 hours during the 12 months preceding the leave. Medical documentation from the injured service member’s physician will be required. *Employees are required to use any available paid leave during this period of time.*

3. WASHINGTON STATE FAMILY MILITARY LEAVE

Washington State has a new Family Military Leave law which allows an employee whose spouse is being called into active duty for the armed forces or who will be, or is, deployed during a period of military conflict, to take up to 15 days of **unpaid** leave from work. The employee may take the 15 days of leave before the deployment of the military spouse or when the military spouse is on a leave from the deployment. For each new deployment of the military spouse, the employee may take another Family Military Leave up to 15 unpaid days.

The employee must give notice to the District of the intent to take the Family Military Leave within five business days of receiving official notice of the call or order to active duty or deployment, or within five business days of official notice of the military spouse's upcoming leave from deployment.

To be eligible for this leave the employee must work an average of at least 20 hours per week for the employer.

The Family Military Leave is only available during a period when the nation is at war or when military reserves have been called to active duty.

This leave is only available to the spouse of the service member. It does not apply to parent, next of kin, or children of the service member. *Employees may choose to use either available vacation leave and/or personal leave but are not allowed to use sick leave.*

Leave for public employees who also serve in the reserves or National Guard has been increased from 15 to 21 days.