

A Family and Medical Leave Act for Washington State?

The Problem: The U.S. Department of Labor is considering changing the rules for the Family and Medical Leave Act (FMLA), including revising the definition of “serious medical condition,” potentially from a standard of 3 days of incapacity and medical treatment to 10 days, and eliminating the ability to take intermittent leave for less than half a day.

The US Chamber of Commerce and National Association of Manufacturers have named gutting these provisions of FMLA their #1 priority.

If the federal rules change, Washington workers will lose rights and protections they now have. Workers may be forced to go to work with life-threatening conditions such as the flu, endangering public health, and could lose the ability to manage a child’s asthma or take a spouse to chemotherapy.

Background: We live in an economy where most adults are in the paid labor force and even middle class families are struggling to make ends meet. Workers are stretched thin in the best of times, trying to balance caring for children and aging parents with job responsibilities. Family leave legislation recognizes that when a medical crisis strikes, workers need to be able to take time off to be with family.

In the 1980s, Washington led the nation in the first steps toward a realistic work-family balance. The state Family Leave Act of 1989 allowed parents to take up to 12 weeks of unpaid leave to care for a new baby or terminally ill child, if the parent worked for an employer of 100 or more.

In 1993, Washington’s family leave act was largely replaced by the federal Family and Medical Leave Act.

The FMLA provides for up to 12 weeks of unpaid time off to care for a newborn or newly placed adoptive or foster child; a child, spouse, or parent with a medically certified serious health condition; or the worker’s own serious health condition.

To be eligible, workers must: work for a public employer or company of 50 or more employees; have been with the employer a full year, and worked at least 1,250 hours in the previous year.

Only 60% of workers are protected by the FMLA..

Other states: Other states have passed their own versions of FMLA and extended protections to more workers. Oregon’s law has covered workers in companies of 25 or more since 1995, and includes parents-in-law and same-sex domestic partners as covered family members. Maine, Vermont and Utah protect workers in companies of 15 or more.

A Family and Medical Leave Act for Washington

A comprehensive family and medical leave law for Washington should:

- Incorporate protections workers and employers now enjoy.
- Extend FMLA protections to companies with 25 or more employees, as in Oregon. This change would cover 330,000 additional Washington workers (12.5% of employees), and 11,000 additional firms (5.4% of firms).
- Include domestic partners as covered family members, along with children, spouses, and parents.