

Making the Most of Family Leave

Are my sick days only to be used when I'm sick? What are my options using paid and unpaid time off to care for people other than myself?

While many members may know about using the Family Medical Leave Act (FMLA) to take time to care for a family member, they may not know what other options are available to them. Here are some highlights.

FMLA

The FMLA provides up to 12 weeks of job protected leave due to a serious health condition, a family member's (parent, child or spouse) serious health condition, or parental leave to care for a newborn or newly adopted or placed child. It can be paid or unpaid. An employee can take FMLA:

- for a serious health condition that makes you unable to perform your job
- to care for a seriously ill child, spouse, or parent
- for childbirth or to care for a new born child up to age one
- for the placement of a child with you for adoption or foster care

The 12 weeks of leave may be taken all at once for one of the above reasons or at intermittent times if your health care provider deems it is necessary. Serious health conditions include on-and off-the job injuries and illnesses, which incapacitate you or a family member for more than three consecutive calendar days, chronic health conditions, and pregnancy.

Absences due to serious health conditions are protected even if they are as short as a day or a part of a day. More information and the law can be found at the U.S. Department of Labor's website: www.dol.gov/esa/whd/fmla.

However, at publication time, the current presidential administration is proposing changes to FMLA. Because of this, the 2006 Washington State Legislature recently passed SB 6185, which put into statute the current federal standards. The bill is awaiting Governor Gregoire's signature. Local 17 supported that bill.



Washington Family Leave Act

The Washington Family Leave Act was implemented to put in place measures that allows an employee "to use any or all of the

employee's choice of sick leave or other paid time off to care for:

- a child of the employee with a health condition that requires treatment or supervision; or
- a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition."

The time used for leave must already have been earned.



Check Your Contract

In many cases, your union contract may be more generous than FMLA and the Washington Family Leave Act. Your specific bargaining unit contract may have language for both paid and unpaid time off. For example, in their last contract, the City of Seattle members were able to negotiate improved leave language. (Article 14, see contract for full language).

Sick leave credit may be used for bona fide cases of . . .

- Care of an employee's spouse or domestic partner, or the parent, sibling, dependent or adult child or grandparent of such employee or his or her spouse or domestic partner, in instances of an illness, injury, or health care appointment where the absence of the employee from work is required, or when such absence is recommended by a health care provider, and as required of the City by the Family Care Act, Chapter 296-130 W.A.C., and/or as defined and provided for by City Ordinance as cited at SMC 4.24.
- Non-medical care of their newborn children and the non-medical care of children placed with them for adoption consistent with Personnel Rule 7.7.3.
- An employee who is receiving treatment for alcoholism or drug addiction as recommended by a physician, psychiatrist, certified social worker, or other qualified professional.

Over the course of many years, unions have been advocating and fighting for improvements in sick leave provisions for workers everywhere. Unions continue the fight by helping to create legislation and also through negotiating union contracts. — *By Behnaz Mansouri, Local 17 Union Representative*