

# Leave Administration Tool | Leave Comparative Chart

Department of Human Resources Leaves Administration Team



King County

The following information is not intended to be all inclusive and is meant only to be a summary of the key points of each leave law. Refer to appropriate collective bargaining agreements, department policies and relevant Washington State statutes and regulations for additional administrative guidance.

1a	Family and Medical Leave Act (FMLA)	King County Family Medical Leave (KCFML)	Washington Family Leave Act (WFLA)	Washington Paid Family & Medical Leave Act (PFML)	Washington Family Care Act (WFCA)
<b>Eligible Employee</b>	Employed at least 12 months ( <i>need not be 12 consecutive months of employment</i> ) and worked 1,250 hours in the past 12 months  <i>29 CFR 825.100</i>	Employed at least 12 months and worked 510 hours (PT Local 587), <b>or</b> 910 hours (35-hr workweek), <b>or</b> 1040 hours (40-hr workweek). Eligibility is not pro-rated. <i>KCC 3.12.221 (A), Ord. #18191</i>	Employed at least 12 months and worked 1,250 hours in the past 12 months.  <i>RCW 49.78.030</i>	Employee working 820 hours during qualifying period (4 of last 5 quarters for eligible WA employer).	Employees who receive paid leave benefits may use any or all of the employee's choice of sick leave or other paid time off. <i>RCW 49.12.270 (1)</i> <i>WAC 296-130-030</i>
<b>Exemptions for Key Employees</b>	May deny reinstatement for highest paid 10% and denial is necessary to prevent "substantial and grievous economic injury" and employer notifies employee of its intent to deny reinstatement. <i>29 CFR 825.217</i>	Not addressed.	May deny reinstatement for highest paid 10% and denial is necessary to prevent "substantial and grievous economic injury" and employer notifies employee of its intent to deny reinstatement. <i>RCW 49.78.030 (5)</i>	Not addressed	Not addressed.
<b>Reason for Leave</b>	(1) Birth of a child (within 12 months of birth). (2) Placement of a child for adoption or foster care. (3) Serious health condition of employee's spouse, parent or child. (4) Serious health condition of employee that makes him/her unable to perform the functions of the position. (5) Qualifying exigency leave (6) Military caregiver leave  <i>29 CFR 825.112a</i>	(1) Birth and care of a child and/or placement of a child for adoption or foster care (within 12 months of birth, adoption or placement). (2) Care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee. (3) Care of a family member who suffers from a serious health condition. (4) Any qualifying reason under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq., or state family and medical leave law, chapter 49.78 RCW. <i>KCC 3.12.221 (2A))</i>	(1) Birth and care of a child and/or placement of a child for adoption or foster care (within 12 months of birth, adoption or placement). (2) Care for the employee's family member with a serious health condition or emergency. (3) Serious health condition of employee that makes him/her unable to perform the functions of the position.  <i>Note: Leave for pregnancy disability may be in addition to FMLA.</i>  <i>RCW 49.78.020</i>	Reasonable paid medical leave for:  (1) Birth or placement of a child with the employee  (2) Care of a family member who has a serious health condition  (3) Qualifying exigency under the federal family and medical leave act  (4) An employee's own serious health condition  <i>RCW 50A.04.005</i>	(1) Care for a child under 18 years with a health condition requiring treatment or supervision. (2) Care for a child over 18 years who is incapable of self-care because of a mental or physical disability. (3) Care for a spouse, Washington State registered domestic partner, the parent of the employee, spouse or domestic partner, or grandparent of the employee who has a serious health condition or an emergency condition.  <i>RCW 49.12.265, WAC 296-130</i>

1b	Family and Medical Leave Act (FMLA)	King County Family Medical Leave (KCFML)	Washington Family Leave Act (WFLA)	Washington Paid Family & Medical Leave Act (PFML)	Washington Family Care Act (WFCA)
<p><b>Definitions of Family Member</b></p>	<p><u>Spouse</u>: Husband or wife as defined under state law for purposes of marriage in the state where the employee resides.</p> <p><u>Parent</u>: Biological, adoptive, step or foster parent of an employee or an individual who stands or stood <i>in loco parentis</i> to an employee when the employee was a child.</p> <p><u>Son or daughter</u>: Biological child, adopted child, foster child, stepchild, legal ward or child of a person standing <i>in loco parentis</i>, who is under 18 years of age or 18 years or older and incapable of self-care because of mental or physical disability.</p> <p><u>Son or daughter of a covered servicemember</u>: Biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.</p> <p><u>Son or daughter on active duty or call to active duty status</u>: The employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or called to active duty status, and who is of any age.</p> <p><u>Next of kin of a covered servicemember means</u>: the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA <i>Note: FMLA does not cover domestic partners. 29 CFR 825.800</i></p>	<p><u>Spouse</u>: Husband or wife.</p> <p><u>Domestic partner</u>: Two people in a domestic partnership, one of whom is a county employee, and who has completed an <i>Affidavit of Marriage/Domestic Partnership</i>.</p> <p><u>Employee's parent</u>: Biological or adoptive parent of an employee or an individual who stands or stood <i>in loco parentis</i> to an employee when the employee was a child.</p> <p><u>Parent of the spouse or domestic partner</u>: Biological or adoptive parent of the employee's spouse or domestic partner or an individual who stands or stood <i>in loco parentis</i> to the employee's spouse or domestic partner when he or she was a child.</p> <p><u>Child</u>: A biological child, adopted child, foster child, stepchild, legal ward or child of a person standing <i>in loco parentis</i>, who is under 18 years of age or 18 years or older and incapable of self-care because of mental or physical disability.</p> <p><i>KCC 3.12.010</i></p>	<p><u>Spouse</u>: Husband or wife.</p> <p><u>Domestic Partner</u>: Two people, one of whom is a county employee, who are in a Washington State registered domestic partnership and have been issued a certificate by the Secretary of State.</p> <p><u>Child</u>: A biological child, adopted child, foster child, stepchild, legal ward or a child of a person standing <i>in loco parentis</i>, who is under 18 years of age or 18 years or older and incapable of self-care because of mental or physical disability. This also includes the child of a Washington State registered domestic partner.</p> <p><u>Parent</u>: Biological parent of an employee or an individual who stands or stood <i>in loco parentis</i> to an employee when the employee was a child.</p> <p><i>RCW 49.78.020 and 26.60.030</i></p>	<p><u>Child</u>: biological, adopted, or foster child, a 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.</p> <p><u>Grandchild</u>: a child of the employee's child.</p> <p><u>Grandparent</u>: a parent of the employee's parent.</p> <p><u>Parent</u>: the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.</p> <p><u>Sibling</u>: (not defined)</p> <p><u>Spouse</u>: a husband or wife, as the case may be, or state registered domestic partner.</p> <p><i>RCW 50A.04.010; WAC 192-500 (De facto &amp; in loco parentis)</i></p>	<p><u>Spouse</u>: Husband or wife.</p> <p><u>Domestic Partner</u>: Two people, one of whom is a county employee, who are in a Washington State registered domestic partnership and have been issued a certificate by the Secretary of State.</p> <p><u>Employee's parent</u>: Biological or adoptive parent of an employee or individual who stands or stood <i>in loco parentis</i> to an employee when the employee was a child.</p> <p><u>Parent of the spouse or domestic partner</u>: Parent of the employee's spouse or Washington State registered domestic partner.</p> <p><u>Child</u>: A biological child, adopted child, foster child, stepchild, legal ward or a child of a person standing <i>in loco parentis</i>, who is under 18 years old or 18 years or older and incapable of self-care because of a mental or physical disability. <i>(Note: This does not include healthy newborns.)</i></p> <p><u>Grandparent</u>: Parent of a parent of an employee.</p> <p><i>RCW 49.12.265 and 26.60.030 WAC 296.130.020</i></p>

1c	Family and Medical Leave Act (FMLA)	King County Family Medical Leave (KCFML)	Washington Family Leave Act (WFLA)	Washington Paid Family & Medical Leave Act (PFML)	Washington Family Care Act (WFCA)
Length of Leave	<p>12 workweeks during any 12-month period. King County has chosen to use the rolling calendar method of determination. (29 CFR 825.100)</p> <p><u>Intermittent/reduced leave:</u>            (1) By employer/employee agreement for the birth, adoption or placement of a child.            (2) Without agreement when medically necessary for an employee's own or family member's serious health condition.            (3) Leave due to a qualifying exigency. (29 CFR 825.202)            (4) If foreseeable and based on planned medical treatment, employee may temporarily be transferred to an alternative position for which the employee is qualified and provides equivalent pay and benefits. (29 CFR 825.204)</p> <p><u>Spouses of same employer:</u> A husband and wife employed by KC are limited to a combined total of 12 weeks of leave for birth, adoption or placement of a child.</p> <p>29 CFR 825.201b</p>	<p>18 weeks of paid or unpaid leave within a 12-month period (rolling). Runs concurrently with FMLA when applicable and eligible.</p> <p><u>Intermittent/reduced leave only:</u>            King County family and medical leave may be taken intermittently to the same extent permitted under federal and state family and medical leave laws.</p> <p>KCC 3.12.221 (B)</p>	<p>12 workweeks during any 12-month period. King County has chosen to use the rolling calendar method of determination.</p> <p><u>Intermittent/reduced leave:</u>            (1) By employer/employee agreement for the birth, adoption or placement of a child.            (2) Without agreement when medically necessary for an employee's own or family member's qualifying condition.            (3) If foreseeable and based on planned medical treatment, employee may temporarily be transferred to an alternative position for which the employee is qualified and provides equivalent pay and benefits.</p> <p>49.78.230</p> <p><u>Limited Leave:</u> An employee and his or her spouse or domestic partner who are eligible for WFLA and employed by KC are limited to a combined total of 12 weeks of leave for the birth, adoption or placement of a child.</p> <p>RCW 49.78.020, and 49.78.260</p>	<p>7 calendar day waiting period, except for birth or placement of child</p> <p><b>Paid Medical Leave:</b>            Up to twelve (12) times the typical workweek hours during a period of fifty-two consecutive calendar weeks.</p> <p>Additional 2 typical work weeks for incapacity related to pregnancy.</p> <p><b>Paid Family Leave:</b>            Up to twelve (12) times the typical workweek hours during a period of fifty-two consecutive calendar weeks.</p> <p><b>Paid Family and Medical Leave:</b>            Up to a combined total of sixteen times the typical workweek hours or eighteen if the employee experiences an incapacity due to pregnancy.</p> <p>RCW 50A.040.020</p>	Not addressed.
Certification for Leave	<p>May require certification from health care provider. Second opinion permitted at employer's expense if validity of certification doubtful. Third opinion at employer's expense conclusive.</p> <p>29 CFR 825.305</p>	<p><i>Verification from a health care provider may be required to certify the health condition of the employee or family member for leave requests.</i></p> <p>KCC 3.12.221 (F)</p>	<p>May require certification from health care provider. Second opinion permitted at employer's expense if validity of certification doubtful. Third opinion at employer's expense conclusive.</p> <p>RCW 49.78.050</p>	<p>Application to ESD: Provides a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition.</p> <p>RCW 50A.04.035</p>	Employer may require certification.

<b>1d</b>	<b>Family and Medical Leave Act (FMLA)</b>	<b>King County Family Medical Leave (KCFML)</b>	<b>Washington Family Leave Act (WFLA)</b>	<b>Washington Paid Family &amp; Medical Leave Act (PFML)</b>	<b>Washington Family Care Act (WFCA)</b>
<b>Employee Notice to Employer</b>	<p><u>Foreseeable</u>: 30 days 29 CFR 825.302</p> <p><u>Unforeseeable</u>: As soon as practicable (1-2 business days). Employees must provide sufficient notice to make employer aware of FMLA-qualifying leave.</p> <p>29 CFR 825.303</p>	Not addressed.	<p><u>Foreseeable</u>: 30 days</p> <p><u>Unforeseeable</u>: As soon as practicable (1-2 business days)</p> <p>RCW 49.78.040</p>	<p>Foreseeable: 30 days</p> <p>Unforeseeable: Such notice as is practicable.</p> <p>RCW 50A.04.030</p>	Not addressed.
<b>Alternative Duty Work</b>	<p>Employee may be required to work in an alternative position if employee is on intermittent or reduced-schedule leave.</p> <p>29 CFR 825.204a</p>	Not addressed.	<p>If employee requests intermittent leave/reduced leave schedule for their own or family member's serious health condition when the condition is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and: (a) has equivalent pay and benefits, and (b) better accommodates recurring periods of leave than the employee's regular employment position.</p> <p>RCW 49.78.230 (2)</p>	Not addressed.	Not addressed.
<b>Transitional Duty Work</b>	<p>Employee is permitted, but not required, to accept light duty when certified for full-time FMLA. If certified for intermittent or reduced-schedule FMLA, the employee may be required to accept alternative work for the hours he/she is able to work. <i>(Note: Wage replacement in the form of workers' compensation, short-term disability payment or long-term disability payment may be discontinued as a result of declining an offer of work.)</i></p> <p>29 CFR 825, 220d and 702d2</p>	Not addressed.	Not addressed.	Not addressed.	Not addressed.

1e	Family and Medical Leave Act (FMLA)	King County Family Medical Leave (KCFML)	Washington Family Leave Act (WFLA)	Washington Paid Family & Medical Leave Act (PFML)	Washington Family Care Act (WFCA)
Seniority	<p><i>Service dates are adjusted for all unpaid leaves of absence, including family and medical leave that exceed 30 days in length.</i></p> <p><i>2005 Personnel Guidelines – Adjusted Service Date</i></p>	Not addressed.	<p>The taking of WFLA leave shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave began. The employer is not required to grant benefits, including seniority or pension rights, during any period of leave.</p> <p><i>RCW 49.78.280</i></p>	<p>Nothing in this section shall be construed to entitle any restored employee to:</p> <p>(a) The accrual of any seniority or employment benefits during any period of leave; or</p> <p>(b) Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.</p> <p><i>RCW 50A.04.025</i></p>	Not addressed.
Benefits	<p>An employee may choose to take this leave using whatever accruals he/she has in any order. However, if leave is for the employee’s own serious health condition, sick-leave accruals must be used first and exhausted before going on an unpaid status.</p> <p><u>Paid status:</u> King County continues to pay its portion of health benefits (medical, dental and vision) and basic insurance benefits (life, accidental death and dismemberment and long-term disability) during leave as if employee was not on leave. Employees continue to pay their enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p> <p><u>Unpaid status:</u> King County continues its contribution toward health care benefits (medical, dental and vision). The employee may self-pay for basic and enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p> <p><i>29 CFR 825.209 and 210</i></p>	<p>An employee may choose to take this leave using whatever accruals he/she has in any order. However, if leave is for the employee’s own serious health condition, sick-leave accruals must be used first and exhausted before going on an unpaid status.</p> <p><u>Paid status:</u> King County continues to pay its portion of health benefits (medical, dental and vision) and basic insurance benefits (life, accidental death and dismemberment and long-term disability) during leave as if employee was not on leave. Employees continue to pay their enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p> <p><u>Unpaid status:</u> King County continues its contribution toward health care benefits (medical, dental and vision). The employee may self-pay for basic and enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p>	<p><u>Paid status:</u> King County continues to pay its portion of health benefits (medical, dental and vision) and basic insurance benefits (life, accidental death and dismemberment and long-term disability) during leave as if employee was not on leave. Employees continue to pay their enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p> <p><u>Unpaid status only:</u> King County continues its contribution toward health care benefits (medical, dental and vision). The employee may self-pay for basic and enhanced insurance benefits (life, accidental death and dismemberment and long-term disability).</p> <p><i>RCW 49.78.080</i></p>	<p>If required by the federal family and medical leave act, as it existed on October 19, 2017,..., the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date the employee commenced family or medical leave until the date the employee returns to employment.</p> <p>If the employer and employee share the cost of the existing health benefits, the employee remains responsible for the employee's share of the cost. This section does not apply to an employee who is not in employment for an employer at the time of filing an application for benefits.</p> <p><i>RCW 50A.04.245</i></p>	Not addressed.

<b>1f</b>	<b>Family and Medical Leave Act (FMLA)</b>	<b>King County Family Medical Leave (KCFML)</b>	<b>Washington Family Leave Act (WFLA)</b>	<b>Washington Paid Family &amp; Medical Leave Act (PFML)</b>	<b>Washington Family Care Act (WFCA)</b>
<b>Reinstatement</b>	<p>Employee is entitled to:            (1) Same or equivalent position with equivalent employment benefits, pay and other terms and conditions of employment (similar pay and benefits). <i>29 CFR 825.214</i></p> <p>If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under FMLA. However, the employer's obligations may be governed by the Americans with Disabilities Act (ADA) and/or the Washington Law Against Discrimination (WLAD). Exception: conditions have changed during the leave (reduction in work force or reorganization). <i>29 CFR 825.123</i></p> <p>If an employee fails to provide a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificate. <i>29 CFR 825.312</i></p>	<p><i>An employee who returns from King County family and medical leave within the time provided in this section is entitled to the same job protection as an employee returning from leave under 29 U.S.C. Sec. 2601 et seq., subject to reductions-in-force provisions as specified in K.C.C. 3.12.300.</i></p> <p>KCC 3.12.221 (F)</p>	<p>Employee is entitled to:            (1) Same or equivalent position with equivalent employment benefits, pay and other terms and conditions of employment at a workplace within 20 miles of the employee's workplace when leave commenced.            (2) May not result in the loss of any employment benefits accrued before the date on which the leave commenced. <i>RCW 49.78.080(1)</i></p> <p>Nothing in this section entitles any restored employee to:            (1) The accrual of any seniority or employment benefits during any period of leave, or            (2) Any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken the leave. <i>RCW 49.78.070</i></p>	<p>(1) Except as provided in RCW 50A.04.600(5) and subsection (6) of this section, any employee who takes family or medical leave under this chapter is entitled, on return from the leave:            (a) To be restored by the employer to the position of employment held by the employee when the leave commenced; or            (b) To be restored by the employer to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. <i>RCW 50A.04.025</i></p>	<p>Not addressed.</p>
<b>Posted Notice</b>	<p>Posting required. <i>29 CFR 825.300</i></p>	<p>Not addressed.</p>	<p>Posting required. <i>RCW 49.78.200</i></p>	<p>Posting required <i>RCW 50A. 04.075</i></p>	<p>Posting required. <i>RCW 49.12.275</i></p>
<b>Enforcement</b>	<p>U.S. Department of Labor. <i>29 CFR 825</i></p>	<p>King County. <i>King County Code 3.12.221 (G)</i></p>	<p>Washington Department of Labor and Industries. <i>RCW 49.78.090</i></p>	<p>Employment Security Department <i>RCW 50A.04.195</i></p>	<p>Washington Department of Labor and Industries. <i>RCW 49.12.280</i></p>

<b>2a</b>	<b>Pregnancy, Childbirth, and Pregnancy-Related Conditions</b> <i>WAC 162-30-020</i>	<b>King County Paid Parental Leave Program (PPL)</b>	<b>Leave Without Pay (LWOP)</b> <i>King County Code 3.12.250</i>	<b>Americans with Disabilities Act (ADA)</b>	<b>Washington Law Against Discrimination</b> <i>RCW 49.60</i>
<b>Eligible Employee</b>	Female employees disabled because of pregnancy or childbirth.	Employees eligible for leave benefits who have been employed with the county for at least six months of continuous service at the time of the qualifying event and are either non-represented or represented by a union that has signed a paid parental leave memorandum of agreement.  <i>KCC 3.12.219 (C2)</i> <i>Ordinance 1840 § 2.C2</i>	King County employees who are eligible for leave benefits.	Individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.  <i>29 C.F.R. §1630.2(g)</i>	Individual with a sensory, mental or physical condition (abnormality) that is medically recognizable or diagnosable, exists as a record or history, or is perceived to exist whether or not it exists in fact. <i>WAC 162-22-020(2)</i>
<b>Exemptions</b>	If an employer can demonstrate business necessity for the employment action. For example, an employer hiring workers into a training program that cannot accommodate absences for the first two months might be justified in refusing to hire a pregnant woman whose delivery date would occur during those first two months.	Paid leave under the program must begin and end within twelve months after the qualifying event.  The employee and employee’s supervisor shall agree upon a schedule for taking paid parental leave that is consistent with the county’s operational needs.  <i>KCC 3.12.219 (8&amp;9)</i> <i>Ordinance 1840 § 2.C1&amp;9</i>	Not addressed.	No.	No.
<b>Reason for Leave</b>	Disability because of pregnancy, childbirth or pregnancy-related condition.	Leave due to birth, adoption or foster placement of a child, in order to care for and bond with the new child.	Not limited to purposes of recovering health.	Permitting the use of leave can be a reasonable accommodation.  <i>EEOC Enforcement Guidance on RA and UDHS, No. 915.002 (3/1/99) at pp. 8-9.</i>	Permitting the use of leave can be a reasonable accommodation. <i>WAC 162-22-025(2) – unfair practice to fail to make a reasonable accommodation.</i>  <i>Riehl v. Foodmaker, Inc., 152 Wn.2d 138 (2004) – leave must be medically necessary.</i>

<b>2b</b>	<b>Pregnancy, Childbirth, and Pregnancy-Related Conditions WAC 162-30-020</b>	<b>King County Paid Parental Leave Program (PPL)</b>	<b>Leave Without Pay (LWOP) King County Code 3.12.250</b>	<b>Americans with Disabilities Act (ADA)</b>	<b>Washington Law Against Discrimination RCW 49.60</b>
<b>Definitions</b>	<p><u>Pregnancy</u>: Includes, but not limited to, pregnancy, the potential to become pregnant and pregnancy-related conditions.</p> <p><u>Pregnancy-related conditions</u>: Includes, but not limited to, related medical conditions, miscarriage, pregnancy termination and the complications of pregnancy.</p> <p><i>Subsection 2 (a and b)</i></p>	<p><u>Accrued paid leave</u>: Includes accrued vacation leave, sick leave, executive leave and other similar leaves, but excludes compensatory time.</p> <p><u>Qualifying Event</u>: Means the birth of the employee's child, the employee's adoption of a child or the foster-to-adopt placement of a child with the employee.</p> <p><i>Ordinance 1840 § 1.A&amp;DDD</i></p>	Not addressed.	<p><u>Employee</u>: An individual employed by an employer. <i>29 C.F.R. §1630.2(f)</i></p> <p><u>Employer</u>: A person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person. <i>29 C.F.R. §1630.2(e)(1)</i></p> <p><u>Qualified individual with a disability</u>: An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who can perform the essential functions of such position with or without reasonable accommodation.  <i>29 C.F.R. §1630.2(m)</i></p>	<p><u>Employee</u>: <i>RCW 49.60.040(4.)</i></p> <p><u>Employer</u>: Any person acting in the interests of an employer, directly or indirectly, who employs eight or more persons and does not include any nonprofit, religious or sectarian organization. <i>RCW 49.60.040(3)</i></p> <p><u>Able worker with a disability</u>: Person whose disability does not prevent the proper performance, with or without reasonable accommodation, of the particular job in question.  <i>WAC 162-22-020(3)</i></p>
<b>Length of Leave</b>	<p>For period of time that she is sick or temporarily disabled because of pregnancy or childbirth.</p> <p>May be in addition to FMLA leave.</p>	<p>The program is intended to provide employees eligible for leave benefits with twelve weeks of paid parental leave during the twelve months following a qualifying event.</p> <p><i>KCC 3.12.219 C1</i> <i>Ordinance 1840 § 2.C1</i></p>	<p>(1) Up to 30 days without pay if authorized in writing by employee's appointing authority. (2) From 30 days to one year with written authorization from employee's division director. (3) Special circumstances may allow approved extension beyond one year.</p>	<p>Must be reasonable in duration and not pose an undue hardship. <i>EEOC Enforcement Guidance on RA and UDHS, No. 915.002 (10/17/2006) #16</i></p> <p>Intermittent/reduced-schedule only required if it is a reasonable accommodation and does not pose an undue hardship.</p>	<p>Must be reasonable in duration and not pose an undue hardship.  <i>WAC 162-22-075</i></p>



<b>2c</b>	<b>Pregnancy, Childbirth, and Pregnancy-Related Conditions WAC 162-30-020</b>	<b>King County Paid Parental Leave Program (PPL)</b>	<b>Leave Without Pay (LWOP) King County Code 3.12.250</b>	<b>Americans with Disabilities Act (ADA)</b>	<b>Washington Law Against Discrimination RCW 49.60</b>
<b>Certification</b>	May require certification of pregnancy, childbirth or pregnancy-related disability.  <i>Subsection 4 (a) (ii)</i>	Not addressed.	Leave requested for purposes of recovering health must be approved by the Director of Human Resources Division or Director's designee. The employee is required to submit a physician's statement to support the request for leave as well as the employee's ability to resume duties prior to return to work.  <i>KCC 3.12.250E</i>	May request certification for reasonable accommodation; <i>i.e.</i> , leave.  <i>EEOC Enforcement Guidance on RA and UDHS, No. 915.002 (10/17/2006) #16</i>	May request certification to show a medical nexus between disability and need for accommodation.  <i>Riehl v. Foodmaker, Inc., 152 Wn.2d 138 (2004)</i>
<b>Employee Notice to Employer</b>	Not addressed.	An employee should provide notice to the designated representative of the employee's department that the employee intends to participate in the program. The notice should meet the notice requirements for taking family and medical leave under federal law.  <i>KCC 3.12.219 C7 Ordinance 1840 § 2.C7</i>	If employee wishes to return from LWOP before expected date, employee is required to submit a written request to his/her appointing authority at least 15 days before the exhaustion date.  An employee may return from the leave before its expiration date if the employee provides the appointing authority with a written request at least 15 days prior to resuming duties.  <i>KCC 3.12.250F</i>	An individual must let the employer know that he/she needs an adjustment or change at work for a reason related to a medical condition.	Employer must have knowledge of employee's disability and need for leave.  <i>Goodman v. Boeing, Co., 127 Wn.2d 401 (1995)</i> -- an employee's failure to request an accommodation does not absolve employer of obligation to accommodate (higher standard than under ADA).  <i>Downey v. Crowley Marine Services, Inc., 236 F.3d 1019 (9th Cir. 2001) – applying WA state law.</i>
<b>Transitional (Light) Duty Work</b>	Not addressed.	Not addressed.	Not addressed.	Employer not required to eliminate essential job functions, but required to offer reassignment if qualified and vacant position exists.  <i>EEOC Technical Assistance Manual, Ch. 9.4</i>	An accommodation may include, but is not limited to, adjustments in job duties, work schedules or scope of work or changes in the job setting or condition of work, and notifying employee of vacant positions.  <i>WAC 162-22-065(2)</i>

<b>2d</b>	<b>Pregnancy, Childbirth, and Pregnancy-Related Conditions WAC 162-30-020</b>	<b>King County Paid Parental Leave Program (PPL)</b>	<b>Leave Without Pay (LWOP) King County Code 3.12.250</b>	<b>Americans with Disabilities Act (ADA)</b>	<b>Washington Law Against Discrimination RCW 49.60</b>
<b>Seniority</b>	Not addressed.	Not addressed.	Not addressed.	Seniority system will prevail unless employer retained right to change seniority system and exercises that right frequently.  <i>Barnett v. U.S. Air Inc. 228 F. 3d 1105 (9th Cir. 2000)</i>	See ADA column.
<b>Benefits</b>	Employer shall provide a woman a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. Employers must treat a woman on pregnancy-related leave the same as other employees on leave for sickness or other temporary disabilities. For example, if an employer provides paid leave for sickness or other temporary disabilities, the employer should provide paid leave for pregnancy-related sickness or disabilities.  <i>Subsection 4 (a) (i)</i>	Taking leave under the program shall not affect an employee's health benefits or an employee's accrual of paid leave, which shall continue during the period of paid parental leave.  <i>KCC 3.12.219 C.12 Ordinance 1840 § 2.C.12</i>	Health benefits (medical, dental and vision) are available through COBRA and by self-paying for basic and enhanced insurances (life, accidental death and dismemberment and long-term disability).  <i>KCC 3.12.250D</i>	Employer cannot discriminate based on disability regarding the terms, conditions or privileges of employment.  <i>42 U.S.C. §1211(a)</i>	Employer cannot discriminate based on disability regarding the terms or conditions of employment.  <i>RCW 49.60.180(3)</i>
<b>Reinstatement</b>	Return to the same job or a similar job of at least the same pay, if she has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth.  <i>Subsection 4 (c)</i>	During the time that an employee is on leave in the program, the employee's job shall be protected to the same extent that an employee's job is protected while the employee is on family or medical leave under federal or state law. No retaliatory action may be taken against an employee for participating or planning to participate in the program.  An employee who does not return to work for at least six months of continuous service following the paid parental leave, will be required to reimburse King county for the supplemental paid parental leave funds received. <i>KCC 3.12.219 C.11&amp;14, Ordinance 1840 § 2.C.11&amp;14</i>	If leave was granted for purposes of recovering health, the employee shall be required by the department director to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.	Generally, same job unless circumstances have changed during the leave and reinstatement is unreasonable or presents an undue hardship.  <i>EEOC Enforcement Guidance on RA and UDHS, No. 915.002 October 2002. Types of Reasonable Accommodation Related to Job Performance #18</i>	Generally, same job unless circumstances have changed during the leave and reinstatement is unreasonable or presents an undue hardship.  <i>WAC 162-22-075 – undue hardship</i>

<b>2e</b>	<b>Pregnancy, Childbirth, and Pregnancy-Related Conditions WAC 162-30-020</b>	<b>King County Paid Parental Leave Program (PPL)</b>	<b>Leave Without Pay (LWOP) King County Code 3.12.250</b>	<b>Americans with Disabilities Act (ADA)</b>	<b>Washington Law Against Discrimination RCW 49.60</b>
<b>Reassignment</b>	Not addressed.	Not addressed.	King County offers a Reassignment Program to assist employees unable to continue in their jobs due to medical reasons. The program provides participants up to six months of priority for rehire into non-promotional King County jobs that they are qualified to perform. You are entitled to the services of this program when it is determined that you are unable to continue in your present job but are able to work in another capacity. Please note that former employees eligible for the Reassignment Program must submit medical, work history and job application materials within one year of their termination date.  <i>PER 22-4-2 (AEP)</i>	<u>Reassignment</u> : If an employee can no longer perform the essential functions of his/her position and there is a vacant position he/she is qualified to fill, he/she is eligible for that position, absent undue hardship.  <i>EEOC Enforcement Guidance – reasonable accommodations and undue hardship under the ADA (10/17/2002).</i>	The following applies to non-promotional positions: If the employee cannot perform his/her job but there is an open position that the employee is qualified for, the employer must take affirmative steps to help the employee transfer. To receive these services, the employee has a duty to cooperate with the employer in this process.  <i>Clarke v. Shoreline School District, 106 Wn. 2d 102 720 p.2d 793(1986)</i>  <i>Dean v. Municipality of Metropolitan Seattle-Metro, 104 Wn. 2d 627 (1985)</i>
<b>Posted Notice</b>	Not addressed.	Not addressed.	Not addressed.	Posted notice required.	Not addressed.
<b>Enforcement</b>	Washington Human Rights Commission.	Department director and/or human resources director.	Department director and/or human resources director.	Equal Employment Opportunity Commission (EEOC).	Washington Human Rights Commission (HRC).