

Personnel Rule 7.10—Military Spouse Leave

7.10.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration.

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority.

SMC 4.36.125 and subsequent revisions thereto, Determination of creditable service.

RCW 49.77 Military Family Leave

7.10.1 Definitions

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, and chief.
- B. "Day" shall mean the employee's normal workday except that when a normal workday begins before midnight and ends after midnight, the hours before midnight count as 1 day and the hours after count as another.
- C. "Period of military conflict" shall mean a period of war declared by the United States Congress, declared by executive order of the President, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.
- D. "Regularly appointed employee" shall mean an individual with a probationary, regular, or exempt appointment to a position of City employment.
- E. "Spouse" means a husband or wife, or state registered domestic partner.

7.10.2 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to temporary employees. Temporary employees are governed by Personnel Rule 11 and applicable federal, state, and local employment and labor laws.

- D. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

7.10.3 Military Spouse Leave

The City shall comply with the requirements of the Military Family Leave Act, RCW 49.77.010 et. seq. with respect to unpaid leaves of absence and return rights for employees with spouses who have been notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment.

Eligibility & Entitlements

- A. During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed, is entitled to a total of 15 days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.
- B. An employee who takes a Military Spouse Leave of absence from City employment may elect to substitute any accrued leaves to which he or she is entitled for any part of the leave provided under this rule.
- C. An employee who takes Military Spouse Leave for the intended purpose of the leave is entitled to be restored to the position of employment held by the employee when the leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment at a workplace within twenty miles of the employee's workplace when leave commenced.
- D. The City shall maintain an employee's coverage under one of the City's group health plans while on Military Spouse Leave at the level and under the conditions the coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.
- E. If the employee is not eligible for any employer contribution to medical or dental benefits under an applicable collective bargaining agreement or employer policy during any period of leave, the City shall allow the employee to continue, at the employee's expense, medical or dental insurance coverage, including any spouse and dependent coverage, in accordance with state or federal law. The premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.
- F. An employee returning from Military Spouse Leave and who is restored to their former position or to an equivalent position is not entitled 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.
- G. The taking of leave may not result in the loss of any employment benefits accrued

before the date on which the leave commenced.

Notice & Certification Requirements

- H. An employee who seeks to take Military Spouse Leave must provide notice, within 5 business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take military family leave.
- I. The appointing authority may require an employee on Military Spouse Leave to report periodically on the status and intention of the employee's to return to work.