MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNIVERSITY OF WASHINGTON
AND WSNA

MOU – Washington Family and Medical Leave Program (PFML) Supplemental Benefits

The parties have to amend the 2019-2021 CBA as follows:

ARTICLE 13 – FAMILY MEDICAL LEAVE ACT AND PARENTAL LEAVE

Leave Procedure. All leaves as delineated in Sections 13.1 through 13.8 below are to be requested from the Employer in writing as far in advance as possible, stating all pertinent details and the amount of time requested. A written reply to grant or deny the request shall be given by Human Resources within thirty days except as otherwise provided in this Article.

13.1 Military Family Leave/ Caregiver. As required by federal law, an RN who is the spouse, son, daughter, parent or next of kin of a covered veteran who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to twenty-six (26) weeks of leave in a single 12-month period to care for the service member, including all other types of FMLA leave.

Next of kin of a covered veteran is the nearest blood relative, other than the veteran’s spouse, parent, son, or daughter in the following order of priority:

1. a blood relative who has been designated in writing by the service member as the next of kin for FMLA purposes
2. blood relative who has been granted legal custody of the service member
3. brothers and sisters
4. grandparents
5. aunts and uncles
6. first cousins

When the veteran designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to the veteran’s only FMLA next of kin. When the veteran has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the veteran, all such family members are considered the veteran’s next of kin and may take FMLA leave to provide care to the veteran.

13.2 Federal Family Medical Leave Act. Benefits provided through state laws and this contract shall not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.

Consistent with the federal Family Medical Leave Act of 1993, an employee who has worked for the state for at least twelve (12) months and for at least one thousand two hundred and fifty (1250) hours during the twelve (12) months prior to the requested leave is entitled to up to twelve (12) work weeks of leave per year for any combination of the following:
(a) parental leave to care for a newborn or newly placed adopted or foster child; or

(b) personal medical leave due to the employee’s own serious medical condition that requires the employee’s absence from work; or

(c) family medical leave to care for a family member who suffers from a serious medical condition that requires care or supervision by the employee.

Family Member is defined as: the employee’s spouse or same or opposite sex domestic partner, child, parent, grandparent, grandchild, sister, or brother. It also includes individuals in the following relationships with the employee’s spouse or domestic partner: child, parent, and grandparent. “Child” also includes any child residing in the employee’s home through foster care, legal guardianship or custody. Family members include those persons in a “step” relationship.

As required by federal law, employees are entitled to up to twelve (12) weeks of leave because of any qualifying exigency arising out of the fact that the spouse, son, or daughter or parent is on active duty in the Armed Forces in support of a contingency operation. Also, if an employee takes FMLA for a qualifying exigency related to a military deployment or if they take FMLA as a military caregiver, the employee could qualify for an additional 12 weeks of leave under the Washington Family Leave Act.

13.3 The amount of family medical leave available to an employee is determined by using a rolling twelve (12) month period. The rolling twelve (12) month period measures FMLA leave availability by "looking backward" from the date an employee begins FMLA leave, adding up any FMLA leave used in the previous twelve (12) months, and subtracting that amount from the employee’s twelve (12) workweek FMLA leave entitlement. The remaining amount is available to the employee.

13.4 The employee shall use appropriate accrued paid leave (for example, sick, compensatory time, shared leave, personal holiday, vacation) before leave without pay for absence is granted in accordance with the Family and Medical Leave Act unless it runs concurrently with Washington Family and Medical Leave (PFML).

An employee may choose to retain up to eighty (80) hours of vacation or sick leave while on leave. Vacation and sick leave that has been requested and approved prior to the request for the use of FMLA will not be considered when requiring employees to use leave during FMLA-covered leave.

This does not apply during an absence covered by the Washington Family and Medical Leave Program (PFML).

13.5 The University will continue the employee’s existing employer-paid health insurance benefits during the period of leave covered by FMLA. If necessary, due to continued personal medical or parental leave approved beyond the FMLA period, or if the employee is not eligible for FMLA, the employee may elect to use eight (8) hours of accrued applicable paid leave for continuation of employer paid health insurance benefits for up to six (6) months.
13.6 FMLA leave may be taken intermittently or as part of a reduced work schedule when medically necessary.

13.7 Following absence granted for FMLA leave, the employee shall return to the same or equivalent position held prior to the absence.

13.8 **Parental Leave.** Parental leave is defined as: up to four months of leave taken after the birth of a child to the employee, spouse or domestic partner, or because of the placement of a child with the employee or domestic partner through adoption or foster care. Parental leave may extend up to six (6) months, including time covered by the FMLA, during the first year after the child’s birth or placement. Leave beyond the period covered by FMLA may only be denied by the Employer due to operational necessity. Extensions beyond six (6) months may be approved by the Employer.

To be paid during Parental leave the employee must use accrued vacation leave, sick leave up to eighteen (18) weeks (720 hours), personal holiday, holiday credit, or compensatory time, the combination of which may be determined by the employee. Employees must use all applicable accrued leave prior to going on leave without pay unless it runs concurrently with Washington Family and Medical Leave (PFML). Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. The RN will use accrued paid leave prior to going on leave without pay. RN’s will be able to retain enough hours in their accrued balances to provide for continuation of benefits for the duration of their leave.

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Agreed To:

For the Union:

[Signature]

Date: 11/8/2020

For the Employer:

[Signature]

Date: 11/8/2020