

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNIVERSITY OF WASHINGTON (UNIVERSITY)
AND
THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1199NW Research/Hall
Health Bargaining Unit**

MOU – PFML SUPPLEMENTAL BENEFITS

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

ARTICLE 38 – FAMILY MEDICAL LEAVE ACT AND PARENTAL LEAVE

38.1 Federal Family and Medical Leave Act (FMLA). 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.

38.2 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.

- a. For work under FMLA, the Employer may require that employees use a portion of their accrued but unused paid leave unless it runs concurrently with Washington Family and Medical Leave (PFML). With respect to employees who receive workers' compensation time-loss benefits, employees may elect to receive time-loss exclusively, or may elect to receive a combination of time-loss and accrued leave as provided in Article 23.1. All other provisions of Article 31 shall apply to work-related injury leave that is designated as FMLA leave.

b. The Employer will not require the use of paid leave such that it would result in the employee having fewer than eighty (80) hours of accrued vacation leave or eighty (80) hours of accrued sick leave, counted separately, upon return to work. 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).

38.3 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 per month of accrued applicable paid leave for continuation of employer paid health insurance benefits the duration of the approved leave of absence. The interspersed paid leave will be applied to the first working day of the month for the purposes of retaining health benefits.

38.4 FMLA leave may be taken intermittently or as part of a reduced work schedule when medically necessary

38.5 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)~~thirty (30) days~~, personal holiday, holiday credit or compensatory time, the combination of which may be determined by the employee.

38.6 Schedule During Continuous Leave of Absence (FMLA and Parental Leave). Employees that are placed on an approved continuous leave of absence, who do not work a Monday through Friday work schedule, will be placed on a Monday through Friday work schedule (pro-rated to their FTE) on their permanent shift- For example a 50% employee would be scheduled four (4) hours per day Monday through Friday.

Agreed To:

For the Union:

Aula Smith

Date: 12/24/19

For the Employer:

B. E. C.

Date:

12/19/19