

WAC 296-135-070 Verification. (1) An employer may require an employee requesting leave to verify that:

(a) The employee or the employee's family member is a victim; and

(b) The leave taken was for one of the activities described in RCW 49.76.030 and WAC 296-135-020.

(2) Timing of verification:

(a) An employee must provide verification in a timely manner from when the employee receives the request for verification.

(b) When an employee is unable to give advance notice because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, an employee must provide verification to the employer within a reasonable time period during or after the leave.

(3) An employer cannot request that an employee submit a specific type of document to verify the need for leave under these rules. An employee may submit his or her choice of any of the following documents, or any combination thereof, to satisfy an employer's request for verification:

(a) A police report indicating that the employee or employee's family member was a victim; or

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking; or

(c) Other evidence from the court or the prosecuting attorney showing that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or

(d) Documentation that the employee or employee's family member is a victim from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking:

(i) An advocate for victims of domestic violence, sexual assault, or stalking; or

(ii) An attorney; or

(iii) A member of the clergy; or

(iv) A medical or other professional, such as a social services provider, paralegal, realtor, or other professional determined by the director to be capable of assisting with a protected activity as described in RCW 49.76.030 and WAC 296-135-020; or

(e) An employee's written statement that the employee or family member is a victim and that the leave was taken for one of the activities described in RCW 49.76.030 and WAC 296-135-020.

(4) Verification of familial relationship. An employee may verify a victim is a family member by providing:

(a) A written statement from the employee;

(b) A birth certificate;

(c) A court document; or

(d) Other similar documents showing a familial relationship between the employee and the victim.

[Statutory Authority: Chapter 49.76 RCW and 2008 c 286. WSR 10-14-099, § 296-135-070, filed 7/6/10, effective 9/1/10.]