

HOUSE BILL REPORT

HB 1346

As Passed House
March 8, 1993

Title: An act relating to repealing enforcement and right of action prohibitions for family leave.

Brief Description: Repealing enforcement and right of action provisions for family leave.

Sponsors: Representatives G. Cole, Heavey, King, Veloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 10, 1993, DP;
Passed House, March 8, 1993, 71-24.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 9 members:
Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk,
Ranking Minority Member; Chandler, Assistant Ranking
Minority Member; Conway; Horn; King; Springer; and Veloria.

Staff: Chris Cordes (786-7117).

Background: In 1989, Washington adopted a family leave law that applies to private and local government employers of 100 or more employees and to the state. The law entitles a covered employee to up to 12 weeks of unpaid leave in a 24-month period to care for a newborn child, an adopted child under age six, or a child up to age 18 who has a terminal health condition. Under the family leave law, an employee does not have a private right of action for any alleged violation of the family leave chapter.

The family leave law requires the Department of Labor and Industries to cease enforcing the state's family leave law on the effective date of any federal law that the department determines, with consent of the Legislative Budget Committee, to be substantially similar to the state's law.

Summary of Bill: The provisions of the Washington family leave law are repealed that:

- (1) direct the Department of Labor and Industries to cease enforcement of the state law on the effective date of any federal law that the department determines, with consent of the Legislative Budget Committee, to be substantially similar to the state's law, and
- (2) declare that an employee has no private right of action for alleged violations of the state family leave law.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The state family leave law's federal preemption clause requires a peculiar procedure involving the Legislative Budget Committee. No one is quite sure how the process would work. Because Congress is expected to pass the federal family and medical leave law with provisions that are more expansive than the state law, it is recommended that the state's peculiar procedure be removed from the law.

Testimony Against: The state law's federal preemption clause was intended to suspend enforcement of the state law when the federal law was enacted. Because the state and federal law are different and inconsistent, employers may find it necessary to try to comply with both. Following the procedure for suspending the state law will remove this difficulty.

Witnesses: (In favor) Ann Simons, Washington Women United; and Sue Hollis, National Organization for Women. (Opposed) Clif Finch, Association of Washington Business.