

SENATE BILL REPORT

HB 1346

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 31, 1993

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

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Vognild, and Wojahn.

Minority Report: Do not pass.

Signed by Senators Amondson, Barr, Cantu, and Newhouse.

Staff: Jonathan Seib (786-7427)

Hearing Dates: March 29, 1993; March 31, 1993

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:

The provisions of the Washington family leave law are repealed that: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

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill is needed because in some cases the state law is more generous than the federal law, and the additional rights that it provides should be protected. The inclusion of the LBC in the current law is an anomaly, not seen in any other statutes.

TESTIMONY AGAINST:

The result of this bill will be that both a state and a federal family leave law will be in effect. This type of situation drives the employer community crazy. The inconsistencies and conflicts between the state and federal laws make compliance with both extremely difficult.

TESTIFIED: Representative Cole; Ann Simons, WA Women United (pro); Lonnie Johns-Brown, NOW (pro); Clif Finch, Assn. of WA Business