
ENGROSSED HOUSE BILL 2093

State of Washington 55th Legislature 1997 Regular Session

By Representatives Boldt, McMorris, Lisk, Clements and Honeyford

Read first time 02/20/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to achieving consistency between state and federal
2 family leave requirements; and adding a new section to chapter 49.78
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.78 RCW
6 to read as follows:

7 (1) Except as provided in subsection (2) of this section, the
8 department shall cease to administer and enforce this chapter beginning
9 on the effective date of this section, and until the earlier of the
10 following dates:

11 (a) The effective date of the repeal of the federal family and
12 medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6);
13 or

14 (b) July 1st of the year following the year in which amendments to
15 the federal family and medical leave act of 1993 (Act Feb. 5, 1993,
16 P.L. 103-3, 107 Stat. 6) take effect that provide less family leave
17 than is provided under RCW 49.78.030. In determining whether the
18 federal law provides the same or more leave, the department shall only
19 consider whether (i) the total period of leave allowed under the

1 amended federal law is twelve or more workweeks in a twenty-four month
2 period, and (ii) the types of leave authorized under the amended
3 federal law are similar to the types authorized in this chapter.

4 (2) An employee's right under RCW 49.78.070(1)(b) to be returned to
5 a workplace within twenty miles of the employee's workplace when leave
6 commenced shall remain in effect. The family leave required by U.S.C.
7 29.2612(a)(1)(A) and (B) of the federal family and medical leave act of
8 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) shall be in addition
9 to any leave for sickness or temporary disability because of pregnancy
10 or childbirth. The department shall enforce this subsection under RCW
11 49.78.140 through 49.78.190, except that an initial notice of
12 infraction shall state that the employer has thirty days in which to
13 take corrective action. No infraction or penalty may be assessed if
14 the employer complies with the requirements of the initial notice of
15 infraction.

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