

# SENATE BILL REPORT

## SB 5293

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As Reported By Senate Committee On:  
Labor & Workforce Development, February 11, 1999

**Title:** An act relating to family leave.

**Brief Description:** Changing provisions relating to family leave.

**Sponsors:** Senators Fairley, Brown, Prentice, Costa, Patterson, Thibaudeau, Wojahn, Franklin, Jacobsen, Spanel, Heavey and Kohl-Welles.

**Brief History:**

**Committee Activity:** Labor & Workforce Development: 2/4/99, 2/11/99 [DPA, DNPA].

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### SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

**Minority Report:** Do not pass as amended.

Signed by Senators Hochstatter and Oke.

**Staff:** Jill Reinmuth (786-7452)

**Background:** State and federal laws provide that certain full-time employees are entitled to family leave. Enforcement of state law is currently suspended because federal law provides the same or more leave than state law.

Employees Entitled to Family Leave: The state family leave law entitles employees to up to 12 weeks of unpaid leave in any 24-month period. An employee is defined as a person other than an independent contractor employed by an employer for the previous 52 weeks for at least 35 hours per week. An employer is defined as a business entity or a unit of local government with 100 or more employees, or the state.

The federal Family and Medical Leave Act entitles eligible employees to up to 12 weeks of unpaid leave in any 12-month period. An eligible employee is one who has been employed for at least 12 months by an employer and at least 1,250 hours during the previous 12-month period. An employer is defined as a person with 50 or more employees, or a public agency.

Administration and Enforcement of State Law: The state family leave law directs the Department of Labor and Industries to cease enforcement of the state law until the earlier of the following dates: (1) the effective date of repeal of the federal law; or (2) July 1 of the year following the year that the federal law provides less leave than the state law.

In determining whether the federal law provides the same or more leave, the department must consider only two factors: (1) whether the total period of leave under the federal law

is 12 or more weeks in a 24-month period; and (2) whether the types of leave under the federal law are similar to the types of leave under the state law.

**Summary Amended Bill:** Certain part-time employees are entitled to family leave. Enforcement of state law is triggered because federal law provides less leave than state law.

Employees Entitled to Family Leave: The definition of employee includes a person who is employed for the previous 52 weeks for at least 15 hours per week, or a person who is employed for three consecutive quarters or two consecutive semesters for at least 15 hours per week. The definition of employer includes a business entity or a unit of local government with 50 or more employees, or the state.

Administration and Enforcement of State Law: The department is required to consider a third factor in determining whether the federal law provides the same or more leave. The third factor is whether the employees who are entitled to leave under the federal law are the same as the employees entitled to leave under the state law.

**Amended Bill Compared to Original Bill:** The definition of employee includes a person who is employed for the previous 52 weeks for at least 15 hours per week, and not 10 hours per week. The definition of employee also includes a person who is employed for three consecutive quarters or two consecutive semesters for at least 15 hours per week.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Family leave for part-time workers would help them balance family and work. Part-time workers do not have a lesser obligation to care for their children or parents or a lesser need for their job. Part-time workers, such as part-time faculty members, lack not only family leave but also sick leave.

**Testimony Against:** Employers would have to abide by two inconsistent family leave statutes. Part-time workers have more flexibility than their employers to accommodate family obligations.

**Testified:** PRO: Wendy Rader-Konofalski, Washington Federation of Teachers; Lonnie Johns-Brown, National Organization of Women; CON: Clif Finch, Assn. of Washington Business.