

---

SENATE BILL 5293

---

State of Washington

56th Legislature

1999 Regular Session

By Senators Fairley, Brown, Prentice, Costa, Patterson, Thibaudeau, Wojahn, Franklin, Jacobsen, Spanel, Heavey and Kohl-Welles

Read first time 01/19/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to family leave; and amending RCW 49.78.005,  
2 49.78.010, and 49.78.020.

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

4 **Sec. 1.** RCW 49.78.005 and 1997 c 16 s 1 are each amended to read  
5 as follows:

6 (1) Except as provided in subsection (2) of this section, the  
7 department shall cease to administer and enforce this chapter beginning  
8 on July 27, 1997, and until the earlier of the following dates:

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

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

1 amended federal law are similar to the types authorized in this  
2 chapter, and (iii) the employees who are entitled to leave under the  
3 federal law are the same as the employees entitled to leave under this  
4 chapter.

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

17 **Sec. 2.** RCW 49.78.010 and 1989 1st ex.s. c 11 s 1 are each amended  
18 to read as follows:

19 The legislature finds that the demands of the workplace and of  
20 families need to be balanced to promote family stability and economic  
21 security. Changes in workplace leave policies are desirable to  
22 accommodate changes in the work force such as rising numbers of dual-  
23 career couples (~~and~~), working single parents, and part-time workers.  
24 In addition, given the mobility of American society, many people no  
25 longer have available community or family support networks and  
26 therefore need additional flexibility in the workplace. The  
27 legislature declares it to be in the public interest to provide  
28 reasonable family leave upon the birth or adoption of a child and to  
29 care for a child under eighteen years old with a terminal health  
30 condition.

31 **Sec. 3.** RCW 49.78.020 and 1996 c 178 s 14 are each amended to read  
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35 (1) "Child" means a biological or adopted child, or a stepchild,  
36 living with the employee.

37 (2) "Department" means the department of labor and industries.

1 (3) "Employee" means a person other than an independent contractor  
2 employed by an employer on a continuous basis for the previous fifty-  
3 two weeks for at least (~~thirty-five~~) ten hours per week.

4 (4) "Employer" means: (a) Any person, firm, corporation,  
5 partnership, business trust, legal representative, or other business  
6 entity which engages in any business, industry, profession, or activity  
7 in this state and includes any unit of local government including, but  
8 not limited to, a county, city, town, municipal corporation, quasi-  
9 municipal corporation, or political subdivision, which (i) employed a  
10 daily average of (~~one hundred~~) fifty or more employees during the  
11 last calendar quarter at the place where the employee requesting leave  
12 reports for work, or (ii) employed a daily average of (~~one hundred~~)  
13 fifty or more employees during the last calendar quarter within a  
14 twenty mile radius of the place where the employee requesting leave  
15 reports for work, where the employer maintains a central hiring  
16 location and customarily transfers employees among workplaces; and (b)  
17 the state, state institutions, and state agencies.

18 (5) "Family leave" means leave from employment to care for a  
19 newborn or newly adopted child under the age of six or a child under  
20 eighteen years old with a terminal health condition, as provided in RCW  
21 49.78.030.

22 (6) "Health care provider" means a person licensed as a physician  
23 under chapter 18.71 RCW or an osteopathic physician and surgeon under  
24 chapter 18.57 RCW.

25 (7) "Parent" means a biological or adoptive parent, or a  
26 stepparent.

27 (8) "Reduced leave schedule" means leave scheduled for fewer than  
28 an employee's usual number of hours or days per workweek.

29 (9) "Terminal health condition" means a condition caused by injury,  
30 disease, or illness, that, within reasonable medical judgment, is  
31 incurable and will produce death within the period of leave to which  
32 the employee is entitled.

--- END ---