

2 **SSB 6426 - H AMD Withdrawn 3-8-02 0428**

3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 49.12.270 and 1988 c 236 s 3 are each amended to read
8 as follows:

9 If, under the terms of a collective bargaining agreement or formal
10 employer policy that applies to an employee, the employee is entitled
11 to sick leave, vacation, or personal leave with pay, then an employer
12 shall allow an employee to use ((the employee's accrued sick leave))
13 any or all of the accrued paid time off to care for a spouse, parent,
14 or child of the employee ((under the age of eighteen)) with a health
15 condition that requires treatment or supervision. Consistent with the
16 terms of a collective bargaining agreement or employer policy, the
17 employee must comply with the terms and conditions of such agreement or
18 policy applicable to each type of such accrued leave, including but not
19 limited to notice, scheduling, medical certification, and reporting
20 requirements. If the appropriate collective bargaining agreement or
21 employer policy, as applicable, does not bar the employer from
22 determining which leave should apply to any particular absence, the
23 employer may continue to determine whether sick leave, vacation, or
24 personal leave with pay shall apply to any particular leave taken
25 pursuant to this section. Leaves of any length taken pursuant to this
26 chapter shall not be used to determine whether the employee taking such
27 leave is paid a "salary" for purposes of chapter 49.46 RCW. Use of
28 leave other than ((accrued)) sick leave, vacation, or personal leave
29 with pay to care for a spouse, parent, or child under the circumstances
30 described in this section shall be governed by the terms of the
31 appropriate collective bargaining agreement ((or)), employer policy,
32 statute, or rule, as applicable.

33 NEW SECTION. Sec. 2. A new section is added to chapter 49.12 RCW
34 to read as follows:

1 The definitions in this section apply throughout RCW 49.12.270
2 through 49.12.295 unless the context clearly requires otherwise.

3 (1) "Child" means a biological, adopted, or foster child, a
4 stepchild, a legal ward, or a child of a person standing in loco
5 parentis who is: (a) Under eighteen years of age; or (b) eighteen years
6 of age or older and incapable of self-care because of a mental or
7 physical disability.

8 (2) "Parent" means a biological parent of an employee or an
9 individual who stood in loco parentis to an employee when the employee
10 was a child.

11 (3) "Sick leave, vacation, or personal leave with pay" includes
12 accrued time allowed under the terms of an appropriate collective
13 bargaining agreement or formal employer policy, as applicable, to an
14 employee for illness, vacation, and personal holiday, but does not
15 include other paid time off including but not limited to paid time off
16 as a reward or bonus, jury duty, military duty, disability leave,
17 unemployment insurance, or industrial insurance. The time may be
18 accrued on an annual, monthly, or other basis as provided by the
19 appropriate collective bargaining agreement or employer policy, as
20 applicable.

21 (4) "Spouse" means a husband or wife, as the case may be.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12 RCW
23 to read as follows:

24 An employer shall not discharge, threaten to discharge, demote,
25 suspend, discipline, or otherwise discriminate against an employee
26 because the employee has exercised, or attempted to exercise, any right
27 provided under RCW 49.12.270. Any complaint that an employer has
28 violated RCW 49.12.270 may only be initiated by filing a claim with the
29 department pursuant to RCW 49.12.280 and 49.12.285, and the procedures
30 and remedies available pursuant to RCW 49.12.285 shall be the only
31 procedures and remedies available for any alleged violation. Nothing
32 in this section shall be construed to prohibit an employer from
33 enforcing a reasonable attendance policy.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12 RCW
35 to read as follows:

1 This act shall become effective January 1, 2003, or for individual
2 employers with collective bargaining agreements, upon the expiration of
3 their current agreements, whichever is later."

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