
Commerce & Labor Committee

SSB 6426

Brief Description: Allowing sick leave to care for family members.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Keiser, Winsley, Prentice, Franklin, Thibaudeau and Kohl-Welles).

Brief Summary of Substitute Bill

- Requires an employer to allow an employee to use sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent of the employee with a health condition that requires treatment or supervision.

Hearing Date: 2/27/02

Staff: Jill Reinmuth (786-7134).

Background:

Certain state and federal laws provide that eligible employees are entitled to take leave for specified family and medical reasons. These laws include the state Family Care Law, the state Family Leave Law, and the federal Family and Medical Leave Act (FMLA).

State Family Care Law:

Employers must allow employees to use accrued sick leave to care for a child under age 18 with a health condition that requires treatment or supervision. Employers must display a poster that describes an employer's obligations and an employee's rights. The poster must also give notice of state laws governing maternity disability leave, and indicate that federal or local laws also may apply. Employers must also post their leave policies, if any.

The Department of Labor and Industries must administer these requirements. The department must notify employers of these requirements, develop and furnish to employers the required poster, and investigate alleged violations of these requirements. If the department reasonably believes an employer has violated these requirements, the department may issue a notice of infraction and impose a civil penalty.

State Family Leave Law:

Enforcement of the state Family Leave Law is currently suspended in large part. As originally enacted, however, eligible employees are entitled to take up to 12 weeks of unpaid leave in a 24-month period for specified reasons, including the care of a child under age 18 with a terminal health condition.

Federal Family and Medical Leave Act:

Eligible employees are entitled to take up to 12 weeks of unpaid leave in a 12-month period for specified reasons, including the care of an immediate family member who has a serious health condition.

Summary of Bill:

If, under a collective bargaining agreement or employer policy, an employee is entitled to sick leave or other paid time off, the employer must allow the employee to use the employee's choice of that leave to care for the employee's child, spouse, parent, parent-in-law, or grandparent with a health condition that requires treatment or supervision. If the collective bargaining agreement or employer policy requires notice before taking vacation or personal holiday time, the employee must comply with the notice requirements.

An employer may not discriminate against an employee who exercises these rights, or who assists in any proceeding related to the exercise of these rights.

"Sick leave or other paid time off" includes time off for illness, vacation, and personal holiday, but not jury duty or military duty. The requirement is deleted for sick leave to be accrued sick leave.

"Child" is defined as a child who either is under age 18 or is age 18 or older and incapable of self-care because of a mental or physical disability. "Child" includes: a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Available.

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