

SENATE BILL REPORT

SHB 2364

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 28, 2002

Title: An act relating to use of employer-granted leave to care for family members with serious medical conditions.

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

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Dickerson, Kenney, Conway, Fisher, Rockefeller, Kagi, Cody, Darneille, Chase, Tokuda, Kirby, Edwards, Santos, Lysen, Wood, Simpson, Schual-Berke and Jarrett).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/26/02, 2/28/02 [DPA, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Minority Report: Do not pass.

Signed by Senators Hochstatter and Honeyford.

Staff: Joanne Conrad (786-7472)

Background: Federal and state laws provide for unpaid family leave, to enable employees to care for family members. Federal law, the Family and Medical Leave Act of 1993 (FMLA), provides for up to 12 weeks of unpaid, job-protected leave for eligible employees who have worked for at least one year for a covered employer. State law is more limited in scope, providing employees the right to return to a workplace within 20 miles of their original one, and clarifying that employees may use FMLA leave for sickness or temporary disability related to pregnancy or childbirth.

Washington state also has a family care law, allowing an employee to use accrued sick leave to care for a child under 18 with a health condition that requires treatment or supervision.

Numerous studies over the past several years have shown an increased concern in the workplace for how to deal with employees with family situations that demand extra attention. Balancing these "work-life" issues has become a controversial area of modern life, with many different approaches explored by workers and employers.

Summary of Amended Bill: For workplaces covered by a collective bargaining agreement or employer policy entitling workers to paid sick leave or other paid leave, workers can use

their choice of leave to care for a spouse, child, parent, parent-in-law, or grandparent with a health condition requiring treatment or supervision. If the workplace has a policy requiring advance notice to use of paid leave, the worker must provide the employer with notice.

Employers cannot discharge, threaten to discharge, demote, suspend, discipline, or discriminate against employees who use family leave under this law.

Amended Bill Compared to Substitute Bill: Parents-in-law and grandparents are added to the types of family members for the care of whom leave can be taken.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: A significant percentage of working families needs to be available for family care, including care of older relatives. This bill is needed to provide workers with the flexibility to attend to important family needs.

Testimony Against: This bill is inconsistent with the FMLA, and there are many legal and technical problems with the bill which create ambiguities and confusion; for example, what type of leave would be taken?

Testified: PRO: Representative Dickerson, prime sponsor; Marilyn Watkins, Econ. Opportunity Instit.; Pamel Dunn, Washington State Labor Council; CON: Clif Finch, AWB; Tim O'Connell, Stole Reeves.