

FINAL BILL REPORT

SSB 6426

C 243 L 02
Synopsis as Enacted

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).

Senate Committee on Labor, Commerce & Financial Institutions
House Committee on Commerce & Labor

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: Employees' use of sick leave includes the use of sick leave or other paid leave to care for a spouse, child, parent, parent-in-law, or grandparent with a health condition requiring treatment or supervision, or for emergency purposes.

Employers must allow use of sick leave, vacation or personal holiday to which the employee is entitled. Leave must comply with collective bargaining agreement terms or with employers' policies except for the terms relating to choice of type of leave. Leave may not be taken in advance of being earned.

For purposes of the law, "child" means a biological, adopted, foster or stepchild or legal ward under 18, or a child older than 18 and incapable of self-care. "Parent" means a biological parent or someone who was "in loco parentis" to the employee when the employee was a child. "In loco parentis" is a legal term of art meaning a person or entity that stands in place of a parent.

Employers may not discharge, threaten to discharge, demote, suspend, discipline or discriminate against employees who exercise their rights to family leave under this law.

Votes on Final Passage:

Senate	38	10	
House	96	0	(House amended)
Senate	41	4	(Senate concurred)

Effective: January 1, 2003