
Commerce & Labor Committee

HB 1221

Brief Description: Requiring minimum paid time off from employment.

Sponsors: Representatives Dickerson, Conway, Kenney, Romero, Wood, Campbell, Cody, McCoy, Hudgins, McDermott and Simpson.

Brief Summary of Bill

- Provides that employees must accrue at least 40 hours of paid time off for each six months of full-time work.
- Provides that employees may take paid time off only after six months of work.

Hearing Date: 2/13/03

Staff: Jill Reinmuth (786-7134).

Background:

State and federal laws currently do not require that employees accrue and be able to take paid time off from employment. Certain laws, however, provide that eligible employees are entitled to take unpaid leave for specified family and medical reasons. These laws include the federal Family and Medical Leave Act (FMLA) and the state Family Leave Law. The state Family Car Law specifies certain purposes for which sick leave and other paid time off may be used.

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.

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 As originally enacted, however, eligible employees are entitled to take up to 12 weeks of unpaid leave in a 24-month period for specified reasons.

State Family Care Law

If, under collective bargaining agreements or employer policies, employees are entitled to sick leave or other paid time off, employers must allow employees to use their choice of that leave to care for children with health conditions that require treatment or supervision, or spouses, parents, parents-in-law, or grandparents who have serious health conditions or emergency conditions. Employees must comply with applicable terms of collective bargaining agreements or employer policies, except for terms relating to the choice of leave.

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 (Department) 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.

Summary of Bill:

Legislative findings and intent related to a minimum amount of paid time off from employment are described. Legislative intent is as follows:

- To require employers to provide workers with a minimum amount of paid time off;
- To allow employers to adopt reasonable policies concerning the administration of paid time off; and
- To encourage employers to adopt or retain more generous leave policies.

Rights to a minimum amount of paid time off from employment are established. An employee must accrue at least 40 hours of paid time off for each six months of full-time work for an employer, or a proportionate amount for each six months of less than full-time work. An employee may take paid time off only after completing the first six months of work. An employee must comply with the terms of the collective bargaining agreement or employer policy applicable to the purpose of the leave.

These rights are not in addition to any other legal rights. These rights must not be construed to discourage employers from providing more generous leave rights.

"Paid time off" is defined as leave from employment with full pay for illness, family care, bereavement, vacation, or personal holiday. "Full-time work" is defined in the same manner as in the applicable collective bargaining agreement, or in the absence of an agreement, a 40-hour work week.

Parts of the state Family Care Law relating to posters, administration and enforcement, infractions and penalties, nondiscrimination, and collective bargaining are made applicable to

the requirement of a minimum amount of paid time off from employment.

Rules Authority: The bill does not address rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.