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SENATE BILL 5377

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State of Washington

58th Legislature

2003 Regular Session

By Senators Keiser, Prentice, Thibaudeau and Kohl-Welles

Read first time 01/23/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to requiring minimum paid time off from employment;  
2 amending RCW 49.12.005, 49.12.280, 49.12.285, 49.12.287, and 49.12.290;  
3 adding new sections to chapter 49.12 RCW; creating a new section; and  
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds  
7 that paid time off from employment is critical to the economic well-  
8 being of the state and its workers. The majority of parents, even of  
9 the youngest children, are now in the work force. The average work  
10 week continues to lengthen. The population is aging, which puts more  
11 pressure on workers to care for ailing family members. Paid time off  
12 helps workers maintain their own health, care for their families, and  
13 maintain financial stability. It also helps employers retain trained  
14 workers and operate competitively, and ensures that workers remain  
15 productive members of the work force, and not face poverty or  
16 dependence on public programs.

17 The legislature intends to require employers to provide workers  
18 with a minimum amount of paid time off, to allow employers to adopt

1 reasonable policies concerning the administration of paid time off, and  
2 to encourage employers to adopt or retain leave policies more generous  
3 than the minimum requirements of this act.

4 NEW SECTION. **Sec. 2.** MINIMUM PAID TIME OFF. (1) An employee  
5 shall accrue at least forty hours of paid time off for each six months  
6 of full-time work for an employer, or a proportionate amount of paid  
7 time off for each six months of less than full-time work.

8 (2) An employee is entitled to take paid time off only after  
9 completing the first six consecutive months of work for an employer.  
10 An employee taking paid time off shall comply with the terms of the  
11 collective bargaining agreement or employer policy applicable to the  
12 purpose for which the leave is taken.

13 **Sec. 3.** RCW 49.12.005 and 1998 c 334 s 1 are each amended to read  
14 as follows:

15 DEFINITIONS. For the purposes of this chapter:

16 (1) The term "department" means the department of labor and  
17 industries.

18 (2) The term "director" means the director of the department of  
19 labor and industries, or the director's designated representative.

20 (3) The term "employer" means any person, firm, corporation,  
21 partnership, business trust, legal representative, or other business  
22 entity which engages in any business, industry, profession, or activity  
23 in this state and employs one or more employees and for the purposes of  
24 RCW 49.12.270 through 49.12.295 (~~and~~), 49.12.450, and section 2 of  
25 this act also includes the state, any state institution, any state  
26 agency, political subdivisions of the state, and any municipal  
27 corporation or quasi-municipal corporation.

28 (4) The term "employee" means an employee who is employed in the  
29 business of the employee's employer whether by way of manual labor or  
30 otherwise.

31 (5) The term "conditions of labor" shall mean and include the  
32 conditions of rest and meal periods for employees including provisions  
33 for personal privacy, practices, methods and means by or through which  
34 labor or services are performed by employees and includes bona fide  
35 physical qualifications in employment, but shall not include conditions

1 of labor otherwise governed by statutes and rules and regulations  
2 relating to industrial safety and health administered by the  
3 department.

4 (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a  
5 minor is defined to be a person of either sex under the age of eighteen  
6 years.

7 (7) For the purpose of section 2 of this act, the term "full-time  
8 work" means the same as in the applicable collective bargaining  
9 agreement, or in the absence of an agreement, a work week of forty  
10 hours.

11 (8) For the purpose of section 2 of this act, the term "paid time  
12 off" means leave from employment with full pay for illness, family  
13 care, bereavement, vacation, or personal holiday.

14 NEW SECTION. Sec. 4. POSTER. The department of labor and  
15 industries shall include notice of the provisions of this act in each  
16 reprinting of the poster required under RCW 49.12.275.

17 **Sec. 5.** RCW 49.12.280 and 1988 c 236 s 4 are each amended to read  
18 as follows:

19 ADMINISTRATION AND ENFORCEMENT. The department shall administer  
20 and investigate violations of RCW 49.12.270 (~~and~~), 49.12.275, and  
21 section 2 of this act.

22 **Sec. 6.** RCW 49.12.285 and 1988 c 236 s 5 are each amended to read  
23 as follows:

24 INFRACTIONS AND PENALTIES. The department may issue a notice of  
25 infraction if the department reasonably believes that an employer has  
26 failed to comply with RCW 49.12.270 (~~or~~), 49.12.275, or section 2 of  
27 this act. The form of the notice of infraction shall be adopted by  
28 rule pursuant to chapter 34.05 RCW. An employer who is found to have  
29 committed an infraction under RCW 49.12.270 (~~or~~), 49.12.275, or  
30 section 2 of this act may be assessed a monetary penalty not to exceed  
31 two hundred dollars for each violation. An employer who repeatedly  
32 violates RCW 49.12.270 (~~or~~), 49.12.275, or section 2 of this act may  
33 be assessed a monetary penalty not to exceed one thousand dollars for  
34 each violation. For purposes of this section, the failure to comply  
35 with RCW 49.12.275 as to an employee (~~or~~), the failure to comply with

1 RCW 49.12.270 as to a period of leave sought by an employee, or the  
2 failure to comply with any requirement of section 2 of this act shall  
3 each constitute separate violations. An employer has twenty days to  
4 appeal the notice of infraction. Any appeal of a violation determined  
5 to be an infraction shall be heard and determined by an administrative  
6 law judge. Monetary penalties collected under this section shall be  
7 deposited into the general fund.

8 **Sec. 7.** RCW 49.12.287 and 2002 c 243 s 3 are each amended to read  
9 as follows:

10 NONDISCRIMINATION. An employer shall not discharge, threaten to  
11 discharge, demote, suspend, discipline, or otherwise discriminate  
12 against an employee because the employee: (1) Has exercised, or  
13 attempted to exercise, any right provided under RCW 49.12.270 through  
14 49.12.295 or section 2 of this act; or (2) has filed a complaint,  
15 testified, or assisted in any proceeding under RCW 49.12.270 through  
16 49.12.295 or section 2 of this act.

17 **Sec. 8.** RCW 49.12.290 and 1988 c 236 s 6 are each amended to read  
18 as follows:

19 COLLECTIVE BARGAINING. Nothing in RCW 49.12.270 through 49.12.295  
20 or section 2 of this act shall be construed to reduce any provision in  
21 a collective bargaining agreement.

22 NEW SECTION. **Sec. 9.** OTHER LAWS. (1) The rights under section 2  
23 of this act are not in addition to any other rights provided by law.

24 (2) Nothing in section 2 of this act shall be construed to  
25 discourage employers from adopting policies which provide greater leave  
26 rights to employees than those required by section 2 of this act.

27 NEW SECTION. **Sec. 10.** CODIFICATION. Sections 1, 2, 4, and 9 of  
28 this act are each added to chapter 49.12 RCW.

29 NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this  
30 act are not any part of the law.

31 NEW SECTION. **Sec. 12.** SEVERABILITY. If any provision of this act

1 or its application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected.

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