
SENATE BILL 6626

State of Washington

58th Legislature

2004 Regular Session

By Senators Fairley, Kohl-Welles, Keiser, Poulsen, Kline, Fraser, Thibaudeau, Rasmussen, Prentice and McAuliffe

Read first time 01/27/2004. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to enforcing the family care act; adding a new
2 section to chapter 49.12 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the need for
5 employees to freely exercise their rights to use their accrued sick
6 leave to care for their family members, as established by RCW 49.12.270
7 and 49.12.287, is paramount. In order to be able to fully enjoy those
8 rights, a more swift and immediate remedy must be available to
9 employees, than the remedies expressly contained in chapter 49.12 RCW.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW
11 to read as follows:

12 (1) The legislature finds that while the monetary penalties
13 authorized under RCW 49.12.285 may serve as an effective deterrent to
14 prevent some employers from interfering with the right of employees to
15 use their accrued sick leave to care for their family members, as
16 established by RCW 49.12.270 and 49.12.287, such authority is patently
17 insufficient in comparison to the devastating financial, emotional, and

1 sociological damage that such violations can and do have on the lives
2 of the employees whose rights are violated.

3 (2) Nothing in this chapter limits a person from initiating any
4 private right of action against an employer that violates RCW 49.12.270
5 or 49.12.287.

6 (3) Any person who is injured by a violation of RCW 49.12.270 or
7 49.12.287 may bring a civil action in either:

8 (a) The superior court to enjoin further violations, to recover the
9 actual damages sustained by him or her, or both, together with the
10 costs of the suit, including a reasonable attorney's fee, and the court
11 may, in its discretion, increase the award of damages to an amount not
12 to exceed three times the actual damages sustained; or

13 (b) The district court to recover the costs of the suit, including
14 reasonable attorneys' fees, and his or her actual damages, except for
15 damages that exceed the amount specified in RCW 3.66.020. The district
16 court may, in its discretion, increase the award of damages to an
17 amount not more than three times the actual damages sustained, but such
18 increased damage award shall not exceed the amount specified in RCW
19 3.66.020.

20 (4) The amount of actual damages resulting from each day that RCW
21 49.12.270 or 49.12.287 is violated will be no less than two hundred
22 fifty dollars or two times the employee's daily wage rate at the time
23 of the violation, whichever is greater.

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