

SSB 6185 - H AMD 1065

By Representative Condotta

FAILED 3/1/2006

1 On page 2, beginning on line 15, strike all of subsections (4)
2 and (5), and insert the following:

3 "~~(4)(a)~~ "Employee" means a person (~~((other than an independent~~
4 ~~contractor employed by an employer on a continuous basis for the~~
5 ~~previous fifty-two weeks for at least thirty-five hours per week))~~
6 who has been employed: (i) For at least twelve months by the
7 employer with respect to whom leave is requested under section 3 of
8 this act; and (ii) for at least one thousand two hundred fifty
9 hours of service with the employer during the previous twelve-month
10 period.

11 (b) "Employee" does not mean a person who is employed at a
12 worksite at which the employer employs less than fifty employees if
13 the total number of employees employed by that employer within
14 seventy-five miles of that worksite is less than fifty.

15 ~~((+4))~~ (5) "Employer" means:

16 (a) Any person, firm, corporation, partnership, business trust,
17 legal representative, or other business entity which engages in any
18 business, industry, profession, or activity in this state and
19 ~~((includes any unit of local government including, but not limited~~
20 ~~to, a county, city, town, municipal corporation, quasi-municipal~~
21 ~~corporation, or political subdivision, which (i) employed a daily~~
22 ~~average of one hundred or more employees during the last calendar~~
23 ~~quarter at the place where the employee requesting leave reports~~
24 ~~for work, or (ii) employed a daily average of one hundred or more~~
25 ~~employees during the last calendar quarter within a twenty mile~~
26 ~~radius of the place where the employee requesting leave reports for~~
27 ~~work, where the employer maintains a central hiring location and~~
28 ~~customarily transfers employees among workplaces; and))~~ which
29 employs fifty or more employees for each working day during each of
30 twenty or more calendar workweeks in the current or preceding

1 calendar year. "Employer" includes: (i) Any person who acts,
2 directly or indirectly, in the interest of an employer to any of
3 the employees of such employer; and (ii) any successor in interest
4 of an employer;

5 (b) The state, state institutions, and state agencies; and

6 (c) Any unit of local government including, but not limited to,
7 a county, city, town, municipal corporation, quasi-municipal
8 corporation, or political subdivision."

EFFECT: Makes technical corrections to definitions of
"employee" and "employer" to conform with the federal Family
and Medical Leave Act.