
Commerce & Labor Committee

HB 2777

Brief Description: Requiring minimum paid sick leave from employment.

Sponsors: Representatives Dickerson, Kenney, Green, Cody, Appleton, Hunt, Murray, Simpson and McDermott.

Brief Summary of Bill

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

Hearing Date: 1/30/06

Staff: Jill Reinmuth (786-7134).

Background:

State and federal laws currently do not require that employees accrue and be able to take sick leave 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 Care 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 As originally enacted, however, eligible employees are entitled to take up to 12 weeks of unpaid leave in a 24-month period for specified reasons.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 state law, 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 sick leave are described. Legislative intent is as follows:

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

Rights to a minimum amount of paid sick leave from employment are established. An employee must accrue at least 40 hours of paid sick leave 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 sick leave 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 leave, except for any terms relating to the choice of leave.

These rights are not in addition to any other rights under the federal Family and Medical Leave Act. These rights must not be construed to discourage employers from providing more generous leave rights.

"Paid sick leave" is defined as leave from employment with full pay for illness or family care.

"Full-time work" is defined as a 40-hour work week except if a collective bargaining agreement applies or federal law provides for overtime pay based on a work week other than a 40-hour work week. If a collective bargaining agreement applies, "full-time work" means the same as in the agreement. If federal law provides for overtime pay based on a work week other than a 40-hour work week, "full-time work" means the same as under federal law.

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 sick leave from employment.

Rules Authority: The director of the Department of Labor and Industries is authorized to adopt rules necessary to implement the bill.

Appropriation: None.

Fiscal Note: Requested on January 26, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.