

# SENATE BILL REPORT

## SB 6592

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As of February 15, 2006

**Title:** An act relating to requiring minimum paid sick leave from employment.

**Brief Description:** Requiring minimum paid sick leave from employment.

**Sponsors:** Senators Keiser, Kohl-Welles and Kline.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 1/30/06.

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Staff:** Jennifer Strus (786-7316)

**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.

**Summary of Bill:** For each six months of full-time work, an employee must accrue at least 40 hours of paid sick leave. For part-time work, the employee must accrue a proportionate amount of paid sick leave for each six months of work. Full-time work is defined as 40 hours per week unless defined differently in a collective bargaining agreement or federal overtime law provides for a workweek of other than 40 hours. Paid sick leave is defined as leave from work with full pay for illness and family care as set forth in RCW 42.12.

An employee may take paid sick leave only after completing the first six consecutive months of work for an employer. An employee must comply with the employer policy or collective bargaining agreement applicable to sick leave.

The Department of Labor & Industries (L&I) must include notice of the provisions of this act in each reprinting of the poster that describes employer's responsibilities and employee's rights in the workplace.

L&I is to administer and investigate violations of this act. L&I may issue an infraction to an employer for violation of this act and assess a penalty not to exceed \$200 for each violation. An employer who repeatedly violates this act may be assessed a penalty of \$1000 for each violation. The nondiscrimination provisions in state law apply to the provision of paid sick leave.

The paid sick leave provisions are not in addition to the federal Family and Medical Leave Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Individuals who come to work sick because they cannot afford to lose a day of pay infect other people in the workplace. With paid sick leave, these folks could stay at home until they are well. Workers need to be able to stay at home with their sick children and this bill would allow them to do so. It costs businesses \$150 billion a year because sick workers come to work and infect others. As a result, businesses should invest more in paid sick leave. High wage workers are more likely to have paid sick leave than low wage workers. Low wage workers are more likely to go to work sick than high wage workers because low wage workers cannot afford to miss a day of work. The state should impose a mechanism to support health care and this bill would do that.

**Testimony Against:** No state currently mandates that employers offer paid sick leave. This bill would make businesses less competitive and would make Washington a less attractive place in which to locate a new business. Small business owners would get hit the hardest under this bill. Employers would have to figure out a way to pay for this sick leave by postponing vacation pay or raises. Consumers would also be hurt because additional costs to business by mandating paid sick leave would be passed on to them. This bill would take away the flexibility that small business owners need to run their businesses. There would be increased paperwork involved and would add complexity to businesses that would especially affect small businesses.

**Who Testified:** PRO: Senator Keiser, Prime Sponsor; Lynn Wirta, Small Faces Child Care; Amy Hagopian, University of Washington School of Public Health; Jeri Wood, Renton Parent Teacher Council; Marilyn Watkins, Economic Opportunity Institute.

CON: Carl Gipson, Small Business Project, Washington Policy Center; Mark Johnson, Washington Retail Association; Carolyn Logue, NFIB; Kris Tefft, AWB.