
HOUSE BILL 1626

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, Conway, Cody, Murray, McCoy, Simpson, Darneille, Williams, Pettigrew, Kagi and Kenney

Read first time 01/31/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to Washington's family care law; amending RCW
2 49.12.265, 49.12.270, and 49.12.290; amending 1988 c 236 s 1
3 (uncodified); and adding a new section to chapter 49.12 RCW.

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

5 **Sec. 1.** 1988 c 236 s 1 (uncodified) is amended to read as follows:

6 The legislature recognizes the changing nature of the work force
7 brought about by increasing numbers of working mothers, single parent
8 households, and dual career families. The legislature finds that the
9 needs of families must be balanced with the demands of the workplace to
10 promote family stability and economic security. The legislature
11 further finds that it is in the public interest for employers to
12 accommodate employees by providing reasonable leaves from work for
13 family reasons, especially the care of children who have health
14 conditions that require treatment or supervision, such as minor
15 childhood illnesses, and other family members who have serious health
16 conditions or emergency conditions. In order to promote family
17 stability, economic security, and the public interest, the legislature
18 hereby establishes a minimum standard for family care. Nothing
19 contained in (~~this act~~) RCW 49.12.270 through 49.12.295 shall

1 prohibit any employer from establishing family care standards more
2 generous than the minimum standards set forth in (~~this act~~) RCW
3 49.12.270 through 49.12.295.

4 **Sec. 2.** RCW 49.12.265 and 2002 c 243 s 2 are each amended to read
5 as follows:

6 The definitions in this section apply throughout RCW 49.12.270
7 through 49.12.295 unless the context clearly requires otherwise.

8 (1) "Child" means a biological, adopted, or foster child, a
9 stepchild, a legal ward, or a child of a person standing in loco
10 parentis who is: (a) Under eighteen years of age; or (b) eighteen
11 years of age or older and incapable of self-care because of a mental or
12 physical disability.

13 (2) "Domestic partner" means an unmarried person eighteen years of
14 age or older: (a) With whom the individual entered into a close
15 personal relationship when both parties were mentally competent and has
16 maintained a close personal relationship solely with that person for a
17 minimum of six continuous months; (b) with whom the individual shares
18 a regular and permanent residence; (c) with whom the individual has
19 agreed to be jointly responsible for basic living expenses incurred
20 during the domestic partnership; and (d) to whom the individual is not
21 related by blood as would bar marriage.

22 (3) "Grandparent" means a parent of a parent of an employee.

23 (~~(3)~~) (4) "Parent" means a biological parent of an employee or an
24 individual who stood in loco parentis to an employee when the employee
25 was a child.

26 (~~(4)~~) (5) "Parent-in-law" means a parent of the spouse or
27 domestic partner of an employee.

28 (~~(5)~~) (6) "Sick leave or other paid time off" means time allowed
29 under the terms of an appropriate collective bargaining agreement or
30 employer policy, as applicable, to an employee for illness, vacation,
31 and personal holiday.

32 (~~(6)~~) (7) "Spouse" means a husband or wife, as the case may be.

33 **Sec. 3.** RCW 49.12.270 and 2002 c 243 s 1 are each amended to read
34 as follows:

35 (1)(a) If, under the terms of a collective bargaining agreement or
36 employer policy applicable to an employee, the employee is entitled to

1 sick leave or other paid time off, then an employer shall allow an
2 employee to use ~~((any or all of))~~ the employee's ~~((choice of))~~ sick
3 leave or other paid time off to care for:

4 ~~((a))~~ (i) A child of the employee with a health condition that
5 requires treatment or supervision; or

6 ~~((b))~~ (ii) A spouse, domestic partner, parent, parent-in-law, or
7 grandparent of the employee who has a serious health condition or an
8 emergency condition.

9 (b) An employee taking leave under the circumstances described in
10 (a) of this subsection:

11 (i) Is entitled to choose both the amount and the type of leave he
12 or she takes under the circumstances described in this section;

13 (ii) May not take advance leave until it has been earned~~((The~~
14 ~~employee taking leave under the circumstances described in this~~
15 ~~section)); and~~

16 (iii) Must comply with the terms of the collective bargaining
17 agreement or employer policy applicable to the leave, except for any
18 terms relating to the choice of leave, amount of earned leave that may
19 be used in a given period, attendance requirements, or waiting periods.

20 (2) Use of leave other than sick leave or other paid time off to
21 care for a child, spouse, domestic partner, parent, parent-in-law, or
22 grandparent under the circumstances described in this section shall be
23 governed by the terms of the appropriate collective bargaining
24 agreement or employer policy, as applicable.

25 **Sec. 4.** RCW 49.12.290 and 1988 c 236 s 6 are each amended to read
26 as follows:

27 (1) Nothing in RCW 49.12.270 through 49.12.295 shall be construed
28 to reduce any provision in a collective bargaining agreement or
29 employer policy.

30 (2) Nothing in RCW 49.12.270 through 49.12.295 shall be construed
31 to discourage employers from entering into agreements or adopting
32 policies that provide greater rights to employees than those required
33 by RCW 49.12.270 through 49.12.295.

34 (3) Except as provided in RCW 49.12.270 through 49.12.295, the
35 rights under RCW 49.12.270 through 49.12.295 are in addition to any
36 other rights provided by law. The remedies under RCW 49.12.270 through
37 49.12.295 shall be exclusive.

1 NEW SECTION. **Sec. 5.** Section 1 of this act is codified as a new
2 section in chapter 49.12 RCW to be added between RCW 49.12.270 and
3 49.12.295.

--- END ---