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HOUSE BILL 2777

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Dickerson, Kenney, Green, Cody, Appleton, Hunt, Murray, Simpson and McDermott

Read first time 01/13/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to requiring minimum paid sick leave from  
2 employment; amending RCW 49.12.280, 49.12.285, 49.12.287, and  
3 49.12.290; adding new sections to chapter 49.12 RCW; creating new  
4 sections; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds  
7 that paid sick leave from employment is critical to the economic well-  
8 being of the state and its workers and to public health. Paid sick  
9 leave helps workers maintain their own health and the health of their  
10 coworkers, care for their families, and maintain financial stability.  
11 It also helps employers retain trained workers and operate  
12 competitively, and ensures that workers remain productive members of  
13 the work force, and not face poverty or dependence on public programs.

14 The legislature intends to require employers to provide workers  
15 with a minimum amount of paid sick leave, to allow employers to adopt  
16 reasonable policies concerning the administration of paid sick leave,  
17 and to encourage employers to adopt or retain leave policies more  
18 generous than the minimum requirements of this act.

1        NEW SECTION.    **Sec. 2.**    MINIMUM PAID SICK LEAVE.    (1) An employee  
2 shall accrue at least forty hours of paid sick leave for each six  
3 months of full-time work for an employer, or a proportionate amount of  
4 paid sick leave for each six months of less than full-time work, or  
5 otherwise have available an equivalent amount of paid sick leave.

6        (2) An employee is entitled to take paid sick leave only after  
7 completing the first six consecutive months of work for an employer.  
8 An employee taking paid sick leave must comply with the terms of the  
9 collective bargaining agreement or employer policy applicable to the  
10 leave, except for any terms relating to the choice of leave.

11        (3) The definitions in this subsection apply throughout this  
12 section unless the context clearly requires otherwise.

13        (a) "Full-time work" means a work week of forty hours.    However:  
14 (i) If a collective bargaining agreement provides for a work week other  
15 than forty hours, "full-time work" means the same as in the collective  
16 bargaining agreement; or (ii) if federal law provides for an overtime  
17 payment based on a work week other than forty hours, "full-time work"  
18 means the same as under federal law.

19        (b) "Paid sick leave" means leave from employment with full pay  
20 for:    (i) Illness; and (ii) family care as set forth in RCW 49.12.270.

21        NEW SECTION.    **Sec. 3.**    POSTER.        The department of labor and  
22 industries shall include notice of the provisions of this act in each  
23 reprinting of the poster required under RCW 49.12.275.

24        **Sec. 4.**    RCW 49.12.280 and 1988 c 236 s 4 are each amended to read  
25 as follows:

26        ADMINISTRATION AND ENFORCEMENT.    The department shall administer  
27 and investigate violations of RCW 49.12.270 (~~and~~), 49.12.275,  
28 49.12.287, and section 2 of this act.

29        **Sec. 5.**    RCW 49.12.285 and 1988 c 236 s 5 are each amended to read  
30 as follows:

31        INFRACTIONS AND PENALTIES.    The department may issue a notice of  
32 infraction if the department reasonably believes that an employer has  
33 failed to comply with RCW 49.12.270 (~~or~~), 49.12.275, 49.12.287, or  
34 section 2 of this act.    The form of the notice of infraction shall be  
35 adopted by rule pursuant to chapter 34.05 RCW.    An employer who is

1 found to have committed an infraction under RCW 49.12.270 ((~~or~~))  
2 49.12.275, 49.12.287, or section 2 of this act may be assessed a  
3 monetary penalty not to exceed two hundred dollars for each violation.  
4 An employer who repeatedly violates RCW 49.12.270 ((~~or~~))  
5 49.12.287, or section 2 of this act may be assessed a monetary penalty  
6 not to exceed one thousand dollars for each violation. For purposes of  
7 this section, the failure to comply with RCW 49.12.275 as to an  
8 employee ((~~or~~))  
9 the failure to comply with RCW 49.12.270 as to a  
10 period of leave sought by an employee, the failure to comply with RCW  
11 49.12.287 as to prohibited discrimination against an employee, or the  
12 failure to comply with any requirement of section 2 of this act shall  
13 each constitute separate violations. An employer has twenty days to  
14 appeal the notice of infraction. Any appeal of a violation determined  
15 to be an infraction shall be heard and determined by an administrative  
16 law judge. Monetary penalties collected under this section shall be  
deposited into the general fund.

17 **Sec. 6.** RCW 49.12.287 and 2002 c 243 s 3 are each amended to read  
18 as follows:

19 NONDISCRIMINATION. An employer shall not discharge, threaten to  
20 discharge, demote, suspend, discipline, or otherwise discriminate  
21 against an employee because the employee: (1) Has exercised, or  
22 attempted to exercise, any right provided under RCW 49.12.270 through  
23 49.12.295 or section 2 of this act; or (2) has filed a complaint,  
24 testified, or assisted in any proceeding under RCW 49.12.270 through  
25 49.12.295 or section 2 of this act.

26 **Sec. 7.** RCW 49.12.290 and 1988 c 236 s 6 are each amended to read  
27 as follows:

28 COLLECTIVE BARGAINING. Nothing in RCW 49.12.270 through 49.12.295  
29 or section 2 of this act shall be construed to reduce any provision in  
30 a collective bargaining agreement.

31 NEW SECTION. **Sec. 8.** OTHER LAWS. (1) The rights under section 2  
32 of this act are not in addition to any other rights provided by the  
33 federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L.  
34 103-3, 107 Stat. 6).

1           (2) Nothing in section 2 of this act shall be construed to  
2 discourage employers from adopting policies which provide greater leave  
3 rights to employees than those required by section 2 of this act.

4           NEW SECTION. **Sec. 9.** RULE MAKING. The director of the department  
5 of labor and industries may adopt rules as necessary to implement  
6 sections 1 through 8 of this act.

7           NEW SECTION. **Sec. 10.** CODIFICATION. Sections 1 through 3 and 8  
8 of this act are each added to chapter 49.12 RCW.

9           NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this  
10 act are not any part of the law.

11           NEW SECTION. **Sec. 12.** SEVERABILITY. If any provision of this act  
12 or its application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

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