

SENATE BILL REPORT

EHB 1965

As Reported by Senate Committee On:
Government Operations & Elections, March 19, 2009

Title: An act relating to leave for service animal training.

Brief Description: Granting leave to employees with sensory disabilities to attend service animal training.

Sponsors: Representatives Hunt, Upthegrove, Dickerson and Simpson.

Brief History: Passed House: 3/11/09, 97-0.

Committee Activity: Government Operations & Elections: 3/19/09 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: Under federal and state law, employers are not required to provide additional paid leave as a reasonable accommodation to employees who wish to attend training for a new guide dog. Such employees may nonetheless utilize paid time off in the form of accrued paid leave. Under the Americans with Disabilities Act (ADA), employers must allow disabled employees to exhaust accrued paid leave first and then must provide unpaid leave as a reasonable accommodation. Under the Washington Law Against Discrimination (WLAD), however, there is no directive for employers to exhaust accrued paid leave before utilizing unpaid leave.

Summary of Bill: The Department of Personnel must adopt rules that authorize state agencies to provide allowances to employees with sensory disabilities who must attend training necessary to obtain a new service animal. The employee's absence must be treated in the same manner as that granted to employees who are absent to attend training that supports or improves their job performances.

If the employee can anticipate the need to miss work in order to attend training for a new service animal, the employee must provide the employer with not less than 30 days notice

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before the absence is to begin. Alternatively, where the employee cannot provide 30 days notice, the employee must provide notice as is practicable.

An agency may require that a request to attend service animal training be supported by a certification issued by the relevant training organization. Such certification is sufficient if it states (1) the date on which the service animal training session is scheduled to commence; and (2) the session's duration.

Sensory disability is defined as a sensory condition that materially limits, contributes to limiting, or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Service dogs assist people with their ability to travel to and from work and their ability to participate fully in the work place. My current service dog is my eighth. The first time a person trains with a service dog the process can take up to 20 business days. After that, the process usually takes ten business days. The use of service dogs truly assists a person with participating in the work place. This is a good bill that makes sense.

Persons Testifying: PRO: Brian Horst, Larry Watkinson, citizens.