

HOUSE BILL REPORT

HB 1164

As Reported by House Committee On: Labor & Workforce Development

Title: An act relating to providing leave from employment for participating in a child's educational activities.

Brief Description: Providing leave from employment for participating in a child's educational activities.

Sponsors: Representatives Liias, Goodman, Hunt, Reykdal, Ormsby, Frockt, Sells, Upthegrove, Kagi, Jinkins, Fitzgibbon, Kenney, Roberts, Hasegawa, Billig and Santos.

Brief History:

Committee Activity:

Labor & Workforce Development: 1/19/11, 2/2/11 [DPS].

Brief Summary of Substitute Bill

- Provides that employees are entitled to four hours of unpaid leave during any 12-month period to participate in a child's educational activities.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Reykdal, Vice Chair; Green, Kenney, Moeller, Ormsby and Roberts.

Minority Report: Do not pass. Signed by 6 members: Representatives Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Miloscia, Taylor and Warnick.

Staff: Jill Reinmuth (786-7134).

Background:

State and federal laws provide that eligible employees are entitled to take leave for specified family and medical reasons. These laws include the federal Family and Medical Leave Act

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and the state Family Leave Law. The purposes for which leave may be taken under these and other laws do not include participating in a child's educational activities.

Federal Family and Medical Leave Act.

Eligible employees are entitled to take a specified number of weeks of unpaid leave in a 12-month period for specified family and medical reasons, and to be reinstated to their original jobs or equivalent jobs.

Up to 12 weeks of unpaid leave may be taken for:

- the birth and care of a child of the employee;
- the placement of a child with the employee for adoption or foster care;
- the care of an immediate family member who has a serious health condition; or
- the serious health condition of the employee that makes the employee unable to work.

Up to 26 weeks of unpaid leave may be taken to care for family members injured while on active duty in the Armed Forces, and up to 12 weeks of unpaid leave may be taken for any qualifying exigencies arising out of the fact that family members are on active duty in the Armed Forces in support of contingency operations.

An eligible employee is one who: (1) works for a covered employer; and (2) has worked for the same employer for at least 12 months, and for at least 1,250 hours over the previous 12 months. (There is an exclusion, if an otherwise eligible employee works at a location at which the employer employs less than 50 employees and the total number employed within 75 miles of that worksite is less than 50.) A covered employer is a private employer that had 50 or more employees in at least 20 weeks of the current or preceding year, or a public agency.

State Family Leave Law.

The state Family Leave Law generally conforms to federal law and related regulations, with certain exceptions.

Eligible employees are entitled to take up to 12 weeks of unpaid leave in a 12-month period for:

- the birth and care of a child of the employee;
- the placement of a child with the employee for adoption or foster care;
- the care of a family member who has a serious health condition; or
- the serious health condition of the employee that makes the employee unable to work.

Upon returning from leave, eligible employees are entitled to be returned to workplaces within 20 miles of their original workplaces. Employees are also entitled to leave for sickness or temporary disability related to pregnancy or childbirth, in addition to leave under federal law. Employers must allow employees to continue their health coverage at their own expense during leave.

Laws in Other States.

Parents are entitled to take leave to participate in children's educational activities in at least nine other states and the District of Columbia. These states are California, Colorado, Illinois, Massachusetts, Minnesota, Nevada, North Carolina, Rhode Island, and Vermont.

Summary of Substitute Bill:

A new provision relating to participation in a child's educational activities is added to the state Family Leave Law.

Employees are entitled to a total of four hours of unpaid leave during any 12-month period to attend or otherwise participate in a child's educational activities. Employees are limited to a total of four hours, regardless of whether they have one or more children. This leave is in addition to other leave to which employees are entitled under federal law or the state Family Leave Law.

Employers and employees must mutually agree upon the time of the leave. Employers may require employees to provide written requests for leave at least 48 hours in advance.

An "employee" is any person employed by an employer. An "employer" is a private employer, the state, or a unit of local government. A "school" is a public or private school, a preschool, or a licensed child care center.

Substitute Bill Compared to Original Bill:

A provision is deleted that would have allowed employers to require employees to furnish written verification from the child's school of the employee's attendance or participation in the child's educational activities. A provision is added that clarifies that an employee is not entitled to more than four hours of unpaid leave during any 12-month period, regardless of whether the employee has one or more children.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony:

(In support) The research is clear that increased parent involvement results in improved student achievement. Studies show that, regardless of other factors, having parents involved improves student outcomes. The least we can do is make sure parents that want to do the

right thing have the opportunity to do that. It will enable parents and teachers to team up for the child's success.

A parent's direct involvement in a child's education is critical. The more engaged the parent is, the more successful the child is. There are concerns about the provision dealing with verification of the parent's participation by the school. Depending on the type of activity, verification could be difficult.

This bill is a good bill for business. Productivity and profits increase when employees can balance their lives without putting their jobs at risk and unscheduled absenteeism decreases. It also brings Washington in line with other states.

(Opposed) It is not clear that there is a problem that needs to be addressed with legislation. We know of no business that refuses to provide unpaid leave or modify schedules for this purpose. There is opposition to a mandate to fix a problem that does not exist.

This bill adds unnecessary complexity for employers. For example, the underlying law already contains eligibility criteria, but the bill establishes different criteria for this purpose. There are already 10 laws on the books that require employers to provide leave.

This bill burdens small employers. It should be limited to large employers. The federal Family and Medical Leave Act applies to employers with 50 or more employees. Large employers have human resources departments to work through the nuances of various types of leave. This bill applies to all employers. Small employers would have to begin tracking leave.

In the food industry, schedules are done on a weekly basis. Employers would need to know whether employees intend to request time off before the next week's schedule is done.

Persons Testifying: (In support) Representative Liias, prime sponsor; Lucinda Young, Washington Education Association; Ramona Hattendorf, Washington State Parent Teacher Association; Greg Senderhauf and Greg Bellamy, Teamsters Local 117; and Teresa Mosqueda, Washington State Labor Council.

(Opposed) Kris Tefft, Association of Washington Business; Patrick Connor, National Federation of Independent Business; Carolyn Logue, Washington State Food Industry Association; and Scott Dilley, Washington State Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.