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SENATE BILL 5091

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Keiser and Shin; by request of Office of Financial Management

Read first time 01/13/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to delaying the implementation of the family leave  
2 insurance program; amending RCW 49.86.030, 49.86.190, 49.86.210, and  
3 49.86.150; and providing an expiration date.

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

5 **Sec. 1.** RCW 49.86.030 and 2009 c 544 s 1 are each amended to read  
6 as follows:

7 ((Beginning October 1, 2012)) Subject to RCW 49.86.150, family  
8 leave insurance benefits are payable to an individual during a period  
9 in which the individual is unable to perform his or her regular or  
10 customary work because he or she is on family leave if the individual:

11 (1) Files a claim for benefits in each week in which the individual  
12 is on family leave, and as required by rules adopted by the director;

13 (2) Has been employed for at least six hundred eighty hours ((in  
14 employment)) during the individual's qualifying year;

15 (3) Establishes an application year. An application year may not  
16 be established if the qualifying year includes hours worked before  
17 establishment of a previous application year;

18 (4) Consents to the disclosure of information or records deemed  
19 private and confidential under chapter 50.13 RCW. Initial disclosure

1 of this information and these records by the employment security  
2 department to the department is solely for purposes related to the  
3 administration of this chapter. Further disclosure of this information  
4 or these records is subject to RCW 49.86.020(3);

5 (5) Discloses whether or not he or she owes child support  
6 obligations as defined in RCW 50.40.050; and

7 (6) Documents that he or she has provided the employer from whom  
8 family leave is to be taken with written notice of the individual's  
9 intention to take family leave in the same manner as an employee is  
10 required to provide notice in RCW 49.78.250.

11 **Sec. 2.** RCW 49.86.190 and 2007 c 357 s 22 are each amended to read  
12 as follows:

13 If necessary to ensure that money is available in the family leave  
14 insurance account for the initial administration of the family leave  
15 insurance program, the director of labor and industries may, from time  
16 to time before July 1, ((2009)) 2014, lend funds from the supplemental  
17 pension fund to the family leave insurance account. These loaned funds  
18 may be expended solely for the initial administration of the program  
19 under this chapter. The director of labor and industries shall repay  
20 the supplemental pension fund, plus its proportionate share of earnings  
21 from investment of moneys in the supplemental pension fund during the  
22 loan period, from the family leave insurance account within two years  
23 of the date of the loan. This section expires October 1, ((2011))  
24 2016.

25 **Sec. 3.** RCW 49.86.210 and 2009 c 544 s 2 are each amended to read  
26 as follows:

27 Beginning September 1, ((2013)) 2014, the department shall report  
28 to the legislature by September 1st of each year on projected and  
29 actual program participation, premium rates, fund balances, and  
30 outreach efforts.

31 **Sec. 4.** RCW 49.86.150 and 2007 c 357 s 17 are each amended to read  
32 as follows:

33 (1) Family leave insurance benefits are payable under this chapter  
34 only to the extent that the director of the office of financial  
35 management determines that moneys are deposited and available in the

1 family leave insurance account for the purpose of benefit payments, and  
2 only to the extent provided in RCW 49.86.050 and 49.86.060. Neither  
3 the state nor the department is liable for any amount in excess of  
4 these limits.

5 (2) This chapter does not create a continuing entitlement or  
6 contractual right. The legislature reserves the right to amend or  
7 repeal all or part of this chapter at any time, and a benefit or other  
8 right granted under this chapter exists subject to the legislature's  
9 power to amend or repeal this chapter. There is no vested private  
10 right of any kind against such amendment or repeal.

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