

SSB 5173 - H COMM AMD
By Committee on Judiciary

ADOPTED 03/06/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 1.16.050 and 2013 c 5 s 1 are each amended to read as
4 follows:

5 The following are legal holidays: Sunday; the first day of
6 January, commonly called New Year's Day; the third Monday of January,
7 being celebrated as the anniversary of the birth of Martin Luther King,
8 Jr.; the third Monday of February to be known as Presidents' Day and to
9 be celebrated as the anniversary of the births of Abraham Lincoln and
10 George Washington; the last Monday of May, commonly known as Memorial
11 Day; the fourth day of July, being the anniversary of the Declaration
12 of Independence; the first Monday in September, to be known as Labor
13 Day; the eleventh day of November, to be known as Veterans' Day; the
14 fourth Thursday in November, to be known as Thanksgiving Day; the day
15 immediately following Thanksgiving Day; and the twenty-fifth day of
16 December, commonly called Christmas Day.

17 Employees of the state and its political subdivisions, except
18 employees of school districts and except those nonclassified employees
19 of institutions of higher education who hold appointments or are
20 employed under contracts to perform services for periods of less than
21 twelve consecutive months, shall be entitled to one paid holiday per
22 calendar year in addition to those specified in this section. Each
23 employee of the state or its political subdivisions may select the day
24 on which the employee desires to take the additional holiday provided
25 for herein after consultation with the employer pursuant to guidelines
26 to be promulgated by rule of the appropriate personnel authority, or in
27 the case of local government by ordinance or resolution of the
28 legislative authority.

29 Employees of the state and its political subdivisions, including
30 employees of school districts and those nonclassified employees of

1 institutions of higher education who hold appointments or are employed
2 under contracts to perform services for periods of less than twelve
3 consecutive months, are entitled to two unpaid holidays per calendar
4 year for a reason of faith or conscience or an organized activity
5 conducted under the auspices of a religious denomination, church, or
6 religious organization. This includes employees of public institutions
7 of higher education, including community colleges, technical colleges,
8 and workforce training programs. The employee may select the days on
9 which the employee desires to take the two unpaid holidays after
10 consultation with the employer pursuant to guidelines to be promulgated
11 by rule of the appropriate personnel authority, or in the case of local
12 government by ordinance or resolution of the legislative authority. If
13 an employee prefers to take the two unpaid holidays on specific days
14 for a reason of faith or conscience, or an organized activity conducted
15 under the auspices of a religious denomination, church, or religious
16 organization, the employer must allow the employee to do so unless the
17 employee's absence would impose an undue hardship on the employer or
18 the employee is necessary to maintain public safety. Undue hardship
19 shall have the meaning established in rule by the office of financial
20 management under section 2 of this act.

21 If any of the above specified state legal holidays are also federal
22 legal holidays but observed on different dates, only the state legal
23 holidays shall be recognized as a paid legal holiday for employees of
24 the state and its political subdivisions except that for port districts
25 and the law enforcement and public transit employees of municipal
26 corporations, either the federal or the state legal holiday, but in no
27 case both, may be recognized as a paid legal holiday for employees.

28 Whenever any legal holiday, other than Sunday, falls upon a Sunday,
29 the following Monday shall be the legal holiday.

30 Whenever any legal holiday falls upon a Saturday, the preceding
31 Friday shall be the legal holiday.

32 Nothing in this section shall be construed to have the effect of
33 adding or deleting the number of paid holidays provided for in an
34 agreement between employees and employers of political subdivisions of
35 the state or as established by ordinance or resolution of the local
36 government legislative authority.

37 The legislature declares that the thirteenth day of January shall

1 be recognized as Korean-American day but shall not be considered a
2 legal holiday for any purposes.

3 The legislature declares that the twelfth day of October shall be
4 recognized as Columbus day but shall not be considered a legal holiday
5 for any purposes.

6 The legislature declares that the ninth day of April shall be
7 recognized as former prisoner of war recognition day but shall not be
8 considered a legal holiday for any purposes.

9 The legislature declares that the twenty-sixth day of January shall
10 be recognized as Washington army and air national guard day but shall
11 not be considered a legal holiday for any purposes.

12 The legislature declares that the seventh day of August shall be
13 recognized as purple heart recipient recognition day but shall not be
14 considered a legal holiday for any purposes.

15 The legislature declares that the second Sunday in October be
16 recognized as Washington state children's day but shall not be
17 considered a legal holiday for any purposes.

18 The legislature declares that the sixteenth day of April shall be
19 recognized as Mother Joseph day and the fourth day of September as
20 Marcus Whitman day, but neither shall be considered legal holidays for
21 any purpose.

22 The legislature declares that the seventh day of December be
23 recognized as Pearl Harbor remembrance day but shall not be considered
24 a legal holiday for any purpose.

25 The legislature declares that the twenty-seventh day of July be
26 recognized as national Korean war veterans armistice day but shall not
27 be considered a legal holiday for any purpose.

28 The legislature declares that the nineteenth day of February be
29 recognized as civil liberties day of remembrance but shall not be
30 considered a legal holiday for any purpose.

31 The legislature declares that the nineteenth day of June be
32 recognized as Juneteenth, a day of remembrance for the day the slaves
33 learned of their freedom, but shall not be considered a legal holiday
34 for any purpose.

35 The legislature declares that the thirtieth day of March be
36 recognized as welcome home Vietnam veterans day but shall not be
37 considered a legal holiday for any purpose.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.41 RCW
2 to read as follows:

3 The director of the office of financial management shall by rule
4 establish a definition of "undue hardship" for the purposes of RCW
5 1.16.050.

6 **Sec. 3.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to
7 read as follows:

8 (1) All parents in this state of any child eight years of age and
9 under eighteen years of age shall cause such child to attend the public
10 school of the district in which the child resides and such child shall
11 have the responsibility to and therefore shall attend for the full time
12 when such school may be in session unless:

13 (a) The child is attending an approved private school for the same
14 time or is enrolled in an extension program as provided in RCW
15 28A.195.010(4);

16 (b) The child is receiving home-based instruction as provided in
17 subsection (4) of this section;

18 (c) The child is attending an education center as provided in
19 chapter 28A.205 RCW;

20 (d) The school district superintendent of the district in which the
21 child resides shall have excused such child from attendance because the
22 child is physically or mentally unable to attend school, is attending
23 a residential school operated by the department of social and health
24 services, is incarcerated in an adult correctional facility, or has
25 been temporarily excused upon the request of his or her parents for
26 purposes agreed upon by the school authorities and the parent:
27 PROVIDED, That such excused absences shall not be permitted if deemed
28 to cause a serious adverse effect upon the student's educational
29 progress: PROVIDED FURTHER, That students excused for such temporary
30 absences may be claimed as full-time equivalent students to the extent
31 they would otherwise have been so claimed for the purposes of RCW
32 28A.150.250 and 28A.150.260 and shall not affect school district
33 compliance with the provisions of RCW 28A.150.220; ((or))

34 (e) The child is excused from school subject to approval by the
35 student's parent for a reason of faith or conscience, or an organized
36 activity conducted under the auspices of a religious denomination,
37 church, or religious organization, for up to two days per school year

1 without any penalty. Such absences may not mandate school closures.
2 Students excused for such temporary absences may be claimed as full-
3 time equivalent students to the extent they would otherwise have been
4 so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may
5 not affect school district compliance with the provisions of RCW
6 28A.150.220; or

7 (f) The child is sixteen years of age or older and:

8 (i) The child is regularly and lawfully employed and either the
9 parent agrees that the child should not be required to attend school or
10 the child is emancipated in accordance with chapter 13.64 RCW;

11 (ii) The child has already met graduation requirements in
12 accordance with state board of education rules and regulations; or

13 (iii) The child has received a certificate of educational
14 competence under rules and regulations established by the state board
15 of education under RCW 28A.305.190.

16 (2) A parent for the purpose of this chapter means a parent,
17 guardian, or person having legal custody of a child.

18 (3) An approved private school for the purposes of this chapter and
19 chapter 28A.200 RCW shall be one approved under regulations established
20 by the state board of education pursuant to RCW 28A.305.130.

21 (4) For the purposes of this chapter and chapter 28A.200 RCW,
22 instruction shall be home-based if it consists of planned and
23 supervised instructional and related educational activities, including
24 a curriculum and instruction in the basic skills of occupational
25 education, science, mathematics, language, social studies, history,
26 health, reading, writing, spelling, and the development of an
27 appreciation of art and music, provided for a number of hours
28 equivalent to the total annual program hours per grade level
29 established for approved private schools under RCW 28A.195.010 and
30 28A.195.040 and if such activities are:

31 (a) Provided by a parent who is instructing his or her child only
32 and are supervised by a certificated person. A certificated person for
33 purposes of this chapter and chapter 28A.200 RCW shall be a person
34 certified under chapter 28A.410 RCW. For purposes of this section,
35 "supervised by a certificated person" means: The planning by the
36 certificated person and the parent of objectives consistent with this
37 subsection; a minimum each month of an average of one contact hour per
38 week with the child being supervised by the certificated person; and

1 evaluation of such child's progress by the certificated person. The
2 number of children supervised by the certificated person shall not
3 exceed thirty for purposes of this subsection; or

4 (b) Provided by a parent who is instructing his or her child only
5 and who has either earned forty-five college level quarter credit hours
6 or its equivalent in semester hours or has completed a course in home-
7 based instruction at a postsecondary institution or a vocational-
8 technical institute; or

9 (c) Provided by a parent who is deemed sufficiently qualified to
10 provide home-based instruction by the superintendent of the local
11 school district in which the child resides.

12 (5) The legislature recognizes that home-based instruction is less
13 structured and more experiential than the instruction normally provided
14 in a classroom setting. Therefore, the provisions of subsection (4) of
15 this section relating to the nature and quantity of instructional and
16 related educational activities shall be liberally construed.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW
18 to read as follows:

19 Institutions of higher education must develop policies to
20 accommodate student absences for up to two days per academic year, to
21 allow students to take holidays for reasons of faith or conscience or
22 for organized activities conducted under the auspices of a religious
23 denomination, church, or religious organization, so that students'
24 grades are not adversely impacted by the absences.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 28C.18 RCW
26 to read as follows:

27 State-funded workforce training programs must develop policies to
28 accommodate student absences for up to two days per academic year, to
29 allow students to take holidays for reasons of faith or conscience or
30 for organized activities conducted under the auspices of a religious
31 denomination, church, or religious organization, so that students'
32 grades are not adversely impacted by the absences."

33 Correct the title.

EFFECT: The striking amendment retains the underlying bill and

makes the following changes:

Provides that the work and school absences authorized under the bill may be for an organized activity conducted under the auspices of a religious denomination, church, or religious organization, in addition to for a reason of faith or conscience.

Specifies that the two unpaid days of leave granted in the bill pertain only to leave taken for reasons of faith or conscience or organized religious activity.

Provides that an employer need not accommodate an employee's request to take an unpaid holiday on a specific date if either: (1) The absence would create an undue hardship for the employer; or (2) the employee is necessary to maintain public safety (rather than only for reasons of undue hardship).

Grants rule-making authority to the Office of Financial Management to establish a definition of "undue hardship."

Specifies that the up to two absences students are permitted for reasons of faith or conscience or for an organized religious activity are up to two absences "per academic year."

Provides that institutions of higher education and workforce training programs must develop policies to allow student absences for up to two days (rather than "not less than two days").

Limits the section requiring workforce training programs to accommodate student absences to apply only to state-funded workforce training programs.

Reorganizes language and makes technical changes for clarity.

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