

SB 5726 - S AMD 188
By Senator Braun

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
4 to read as follows:

5 (1) No city or town may require an employer to provide paid sick
6 leave or paid safe leave to an employee unless:

7 (a) The employer has a physical location within the jurisdiction;
8 and

9 (b) The employee works at or reports to that physical location for
10 at least eighty-five percent of the hours regularly and customarily
11 worked for that employer.

12 (2) This section applies to any ordinance, code, regulation, or
13 rule enacted on or after the effective date of this section, or in
14 effect on the effective date of this section.

15 (3) For purposes of this section:

16 (a) "Paid sick leave" means paid leave:

17 (i) Due to the employee's mental or physical illness, injury, or
18 health condition; need for medical diagnosis, care, or treatment of a
19 mental or physical illness, injury, or health condition; or need for
20 preventive medical care; or

21 (ii) To allow the employee to provide care of a family member with
22 a mental or physical illness, injury, or health condition; who needs
23 medical diagnosis, care, or treatment of a mental or physical illness,
24 injury, or health condition; or who needs preventive medical care.

25 (b) "Paid safe leave" means paid leave:

26 (i) Due to an employee's place of business, or the school or place
27 of care of an employee's child, being closed by order of a public
28 official to limit exposure to an infectious agent, biological toxin, or
29 hazardous material; or

1 (ii) Due to an employee or an employee's family member being a
2 victim of domestic violence, sexual assault, or stalking.

3 (c) "Employer" has the same meaning as provided in RCW 49.12.005.

4 (d) "Employee" has the same meaning as provided in RCW 49.12.005.

5 (4) This section may not be construed to impair any provision in a
6 collective bargaining agreement.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW
8 to read as follows:

9 (1) No code city may require an employer to provide paid sick leave
10 or paid safe leave to an employee unless:

11 (a) The employer has a physical location within the jurisdiction;
12 and

13 (b) The employee works at or reports to that physical location for
14 at least eighty-five percent of the hours regularly and customarily
15 worked for that employer.

16 (2) This section applies to any ordinance, code, regulation, or
17 rule enacted on or after the effective date of this section, or in
18 effect on the effective date of this section.

19 (3) For purposes of this section:

20 (a) "Paid sick leave" means paid leave:

21 (i) Due to the employee's mental or physical illness, injury, or
22 health condition; need for medical diagnosis, care, or treatment of a
23 mental or physical illness, injury, or health condition; or need for
24 preventive medical care; or

25 (ii) To allow the employee to provide care of a family member with
26 a mental or physical illness, injury, or health condition; who needs
27 medical diagnosis, care, or treatment of a mental or physical illness,
28 injury, or health condition; or who needs preventive medical care.

29 (b) "Paid safe leave" means paid leave:

30 (i) Due to an employee's place of business, or the school or place
31 of care of an employee's child, being closed by order of a public
32 official to limit exposure to an infectious agent, biological toxin, or
33 hazardous material; or

34 (ii) Due to an employee or an employee's family member being a
35 victim of domestic violence, sexual assault, or stalking.

36 (c) "Employer" has the same meaning as provided in RCW 49.12.005.

37 (d) "Employee" has the same meaning as provided in RCW 49.12.005.

1 (4) This section may not be construed to impair any provision in a
2 collective bargaining agreement.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
4 to read as follows:

5 (1) No county may require an employer to provide paid sick leave or
6 paid safe leave to an employee unless:

7 (a) The employer has a physical location within the jurisdiction;
8 and

9 (b) The employee works at or reports to that physical location for
10 at least eighty-five percent of the hours regularly and customarily
11 worked for that employer.

12 (2) This section applies to any ordinance, code, regulation, or
13 rule enacted on or after the effective date of this section, or in
14 effect on the effective date of this section.

15 (3) For purposes of this section:

16 (a) "Paid sick leave" means paid leave:

17 (i) Due to the employee's mental or physical illness, injury, or
18 health condition; need for medical diagnosis, care, or treatment of a
19 mental or physical illness, injury, or health condition; or need for
20 preventive medical care; or

21 (ii) To allow the employee to provide care of a family member with
22 a mental or physical illness, injury, or health condition; who needs
23 medical diagnosis, care, or treatment of a mental or physical illness,
24 injury, or health condition; or who needs preventive medical care.

25 (b) "Paid safe leave" means paid leave:

26 (i) Due to an employee's place of business, or the school or place
27 of care of an employee's child, being closed by order of a public
28 official to limit exposure to an infectious agent, biological toxin, or
29 hazardous material; or

30 (ii) Due to an employee or an employee's family member being a
31 victim of domestic violence, sexual assault, or stalking.

32 (c) "Employer" has the same meaning as provided in RCW 49.12.005.

33 (d) "Employee" has the same meaning as provided in RCW 49.12.005.

34 (4) This section may not be construed to impair any provision in a
35 collective bargaining agreement."

1 On page 1, line 2 of the title, after "programs;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new
4 section to chapter 36.01 RCW."

EFFECT: A city ordinance requiring an employer to provide paid sick or safe leave applies only to employers physically located within the jurisdiction, and for an employee who works 85% or more of their time for that employer, at that location. Employer and employee are defined.

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