

SB 5726 - S AMD 188

By Senators Braun, Hatfield, Hobbs, Hargrove, Eide

ADOPTED 03/11/2013

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 a physical location of the
10 employer within the jurisdiction for at least eighty-five percent of
11 the hours worked for that employer in the current calendar year.

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" means any person who has one or more employees, or
4 the employer's designee or any person acting in the interest of such an
5 employer.

6 (d) "Employee" means any individual employed by an employer, and
7 shall include traditional employees, temporary workers, and part-time
8 employees. In the event that a temporary employee is supplied by a
9 staffing agency or similar entity, absent a contractual agreement
10 stating otherwise, that individual is deemed to be an employee of the
11 staffing agency.

12 (e) "Staffing agency" means any person undertaking with or without
13 compensation to procure opportunities to work or to procure, recruit,
14 refer, or place individuals with an employer or in employment.

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

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

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

21 (a) The employer has a physical location within the jurisdiction;
22 and

23 (b) The employee works at or reports to a physical location of the
24 employer within the jurisdiction for at least eighty-five percent of
25 the hours worked for that employer in the current calendar year.

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

29 (3) For purposes of this section:

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

31 (i) Due to the employee's mental or physical illness, injury, or
32 health condition; need for medical diagnosis, care, or treatment of a
33 mental or physical illness, injury, or health condition; or need for
34 preventive medical care; or

35 (ii) To allow the employee to provide care of a family member with
36 a mental or physical illness, injury, or health condition; who needs

1 medical diagnosis, care, or treatment of a mental or physical illness,
2 injury, or health condition; or who needs preventive medical care.

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

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

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

10 (c) "Employer" means any person who has one or more employees, or
11 the employer's designee or any person acting in the interest of such an
12 employer.

13 (d) "Employee" means any individual employed by an employer, and
14 shall include traditional employees, temporary workers, and part-time
15 employees. In the event that a temporary employee is supplied by a
16 staffing agency or similar entity, absent a contractual agreement
17 stating otherwise, that individual is deemed to be an employee of the
18 staffing agency.

19 (e) "Staffing agency" means any person undertaking with or without
20 compensation to procure opportunities to work or to procure, recruit,
21 refer, or place individuals with an employer or in employment.

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

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

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

28 (a) The employer has a physical location within the jurisdiction;
29 and

30 (b) The employee works at or reports to a physical location of the
31 employer within the jurisdiction for at least eighty-five percent of
32 the hours worked for that employer in the current calendar year.

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

36 (3) For purposes of this section:

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

1 (i) Due to the employee's mental or physical illness, injury, or
2 health condition; need for medical diagnosis, care, or treatment of a
3 mental or physical illness, injury, or health condition; or need for
4 preventive medical care; or

5 (ii) To allow the employee to provide care of a family member with
6 a mental or physical illness, injury, or health condition; who needs
7 medical diagnosis, care, or treatment of a mental or physical illness,
8 injury, or health condition; or who needs preventive medical care.

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

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

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

16 (c) "Employer" means any person who has one or more employees, or
17 the employer's designee or any person acting in the interest of such an
18 employer.

19 (d) "Employee" means any individual employed by an employer, and
20 shall include traditional employees, temporary workers, and part-time
21 employees. In the event that a temporary employee is supplied by a
22 staffing agency or similar entity, absent a contractual agreement
23 stating otherwise, that individual is deemed to be an employee of the
24 staffing agency.

25 (e) "Staffing agency" means any person undertaking with or without
26 compensation to procure opportunities to work or to procure, recruit,
27 refer, or place individuals with an employer or in employment.

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

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30 On page 1, line 2 of the title, after "programs;" strike the

1 remainder of the title and insert "adding a new section to chapter
2 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new
3 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; for an employee who works at a physical location of the employer within the jurisdiction for at least 85% of the hours worked for that employer in the current calendar year. Employer, employee, and staffing agency are defined.

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