

SENATE BILL REPORT

HB 2473

As Reported by Senate Committee On:
Commerce & Labor, February 28, 2014

Title: An act relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service.

Brief Description: Encouraging citizens to serve in the legislature by creating leave provisions for legislative service.

Sponsors: Representatives Liias, Rodne, Sells, Reykdal, Pollet and Freeman.

Brief History: Passed House: 2/12/14, 73-25.

Committee Activity: Commerce & Labor: 2/26/14, 2/28/14 [DP, DNP, w/oRec].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa and Kohl-Welles.

Minority Report: Do not pass.

Signed by Senator King.

Minority Report: That it be referred without recommendation.

Signed by Senator Hewitt.

Staff: Edith Rice (786-7444)

Background: State and federal laws address leave from employment, providing that under certain circumstances, an employer may not discharge or take other adverse employment action against an employee for taking leave. Some well-known examples of these laws include state and federal family and medical leave laws. Washington law provides protected leave for a number of classes of employees, including volunteer firefighters, spouses of deployed military personnel, domestic violence victims, and bargaining unit representatives. A number of states have laws that specifically protect the employment of employees who are legislators. No such protection currently exists under Washington law.

Article II of the Washington Constitution provides for the Legislature to be convened each year only for a limited number of days, unless a special session is convened by the Governor

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or by resolution of two-thirds of the members of each house. In light of this, the Legislative Ethics Board has recognized a presumption in favor of a legislator's ability to be employed outside the Legislature, without such employment being considered a conflict of interest under state ethics laws.

Summary of Bill: An employer must grant a temporary leave of absence without loss of job status or seniority to an employee who is a member or prospective member of the state Legislature during regular and special legislative sessions. The employer is prohibited from discharging or threatening to discharge an employee for taking the temporary leave of absence.

The definition of employer includes both private sector and public sector entities, such as (1) those who employ ten or more employees; (2) the state, state institutions, and state agencies; and (2) any unit of local government. The provisions apply both to current legislators and to a prospective member of the Legislature, defined as a person who has not taken the oath of office.

The employee seeking a temporary leave of absence must provide notice to the employer of the employee's intention to take leave. In the case of a special legislative session, the notice must be provided as soon as the Governor or Legislature proclaims the special session. An employer may comply by granting unpaid leave, or by substituting any accrued paid leave to which the employee is entitled.

The right to a temporary leave of absence may be enforced through a civil action brought by an employee, at the employee's own expense. The employee may seek damages and an order requiring reinstatement. An employee who prevails in court is entitled to costs and reasonable attorneys' fees. No public resources may be used, directly or indirectly, to bring or maintain the civil action.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We want to encourage Washington citizens to participate in the legislative process. They should be able to serve without fear of losing seniority or their job.

Persons Testifying: PRO: Senator Lias, prime sponsor.