

SENATE BILL REPORT

SB 5173

As Reported by Senate Committee On:
Commerce & Labor, February 7, 2014

Title: An act relating to excusing work and school absences for a reason of faith or conscience.

Brief Description: Excusing work and school absences for a reason of faith or conscience.

Sponsors: Senators Hasegawa, Kline, Frockt and Chase.

Brief History:

Committee Activity: Commerce & Labor: 3/18/13, 2/03/14, 2/07/14 [DPS, w/oRec].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senator Braun, Vice Chair.

Staff: Jessica Stevenson (786-7465)

Background: The following is a list of current legal state holidays: Sunday, New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving and the day following, and Christmas. State employees are entitled to one paid holiday per calendar year in addition to these legal holidays. State employees can select the day to take this additional paid holiday after consultation with their employer.

Children must attend public school between the ages of eight and up to 18 with some exceptions. Some of these exceptions include the following: the child is attending a private school, the child is being home-schooled, the child is attending an education center, the child is 16 years of age and is employed, or the child has met graduation requirements. Parents can request that a child be temporarily excused from school for purposes agreed upon by the school authorities and the parent, provided that the absences do not cause serious adverse effect upon the student's educational progress. Students excused for these temporary, agreed-

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

upon absences can be claimed as full-time equivalent students to the extent they would otherwise have been claimed, for the purposes of annual basic education allocation compliance, basic education minimum instructional requirements, and enrollment calculations.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Employees of the state and its political subdivisions, including employees of school districts and nonclassified employees of higher education institutions who hold appointments or are employed under contracts for less than 12 consecutive months, are entitled to two unpaid holidays per calendar year. Employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs are included in the group of employees who can take the two unpaid days. An employer must allow an employee to take an unpaid holiday on a specific day for a reason of faith or conscience unless the employee's absence would impose an undue hardship on the employer.

Students are excused from school for reasons of faith or conscience, subject to approval by the student's parent, for up to two days without penalty. Student excused for these absences may still be claimed as full-time equivalent students. The student absences will not affect school district compliance with basic education minimum instructional requirements, annual basic education allocation requirements, or enrollment calculations. The student absences may not mandate school closures.

Institutions of higher education and workforce training programs must develop policies to accommodate student absences for reasons of faith or conscience to prevent adverse effects on students' grades.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute as Passed Committee): The language added to the bill includes the following:

- School district employees and nonclassified employees of higher education who hold appointments or are employed under contracts to perform services for periods of less than 12 months are also entitled to the two unpaid holidays. Employees of public institutions of higher education include community colleges, technical colleges, and workforce training programs.
- Student absences may not mandate school closures.
- Institutions of higher education and workforce training programs must develop policies to accommodate student absences for reasons of faith or conscience.
- An employer must allow an employee to take a specific day off for a reason of faith or conscience unless the employee's absence would impose an undue hardship on the employer.

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:

Testimony From 2013 Regular Session on Original Bill.

PRO: We should accommodate differing religious communities to allow them to recognize their religious holidays. This would allow people to celebrate religious holidays when they do not align with the currently recognized holidays. We should accommodate faith communities of all faiths. It is important as a member of the Muslim community for me to be able to celebrate religious holidays with family. I have left employment because I was not able to do so. Not all holidays are based on the Gregorian or western calendar. Some are based on the lunar calendar. Some employees are forced to use vacation leave or sick leave. This is an issue of common concern for a variety of religions. Religious freedom should permit us to recognize differing religious holidays. Some of these holidays often fall on weekdays and interrupt work or school attendance. This will protect students and help educate others about differences.

Testimony From 2014 Regular Session on Substitute as Heard in Committee.

PRO: The purpose of the bill is to allow individuals in faith communities whose religious holidays are determined by a lunar calendar to celebrate their religious holidays. Determining religious holidays by a lunar calendar makes it difficult to predict the dates of the holidays and the days change every year. Students taking the day off for religious reasons does not allow a school to close. The bill is essential to all faith groups in order to have their holidays recognized and to be able to take days off to celebrate religious holidays. Some Muslim employees are fired from their jobs and students are marked absent because they take days off for religious reasons. Religious freedom should be allowed. Some employees have been threatened by management to prevent them from joining a union to help resolve this issue.

Persons Testifying:

Persons Testifying From 2013 Regular Session.

PRO: Senator Hasegawa, prime sponsor; Zaynab Farole, Faisa Farole, Nancy Sapiro, Jewish Federation; Rabbi Seth Goldstein, Temple Beth Hatorah.

Persons Testifying from 2014 Regular Session.

PRO: Senator Hasegawa, prime sponsor; Abukar Farole, Abdirahman Mohamed, Abubakar Islamic Center of WA; Zaynab Farole, Muslim Civic Leadership.