

# SENATE BILL REPORT

## SSB 5173

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As Amended by House, March 6, 2014

**Title:** An act relating to the respecting holidays of faith and conscience act.

**Brief Description:** Respecting holidays of faith and conscience.

**Sponsors:** Senate Committee on Commerce & Labor (originally sponsored by Senators Hasegawa, Kline, Frocht and Chase).

**Brief History:**

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

Passed Senate: 2/18/14, 47-0.

Passed House: 3/06/14, 64-32.

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### 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

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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-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 Substitute Bill:** 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.

**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 Both Hatfiloh.

Persons Testifying from 2014 Regular Session.

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

**House Amendment(s):** In addition to reasons of faith or conscience, workers and students can take the two unpaid absences for an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Language is added to specify that the two unpaid absences can be taken only for reasons of faith or conscience or for organized religious activities. An employer is not required to allow an employee to take an unpaid absence if the employee is necessary to maintain public safety. The Office of Financial Management must establish a definition for undue hardship. Language is added to specify that students can take only two unpaid absences per academic year. Institutions of higher education and only state-funded workforce training programs, instead of all workforce training programs, must develop policies to accommodate student absences. Institutions of higher education and state-funded workforce training programs must develop policies to allow student absences for up to two days, instead of not less than two days.