

# SENATE BILL REPORT

## SB 5594

---

---

As of February 21, 2013

**Title:** An act relating to establishing minimum standards for sick and safe leave from employment.

**Brief Description:** Establishing minimum standards for sick and safe leave from employment.

**Sponsors:** Senators Harper, Conway, Keiser, Nelson, Kohl-Welles, Hasegawa, Kline, Frockt, Shin and Chase.

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/20/13.

---

### SENATE COMMITTEE ON COMMERCE & LABOR

**Staff:** Edith Rice (786-7444)

**Background:** The City of Seattle passed an ordinance in September 2011 that requires all employers operating within Seattle city limits to provide paid sick and safe leave to their employees. This ordinance took effect on September 1, 2012. It establishes minimum standards for businesses operating within Seattle city limits to provide paid sick and safe leave to their employees. Minimum standards include accrual, use, and carryover of paid sick and safe leave. Employers with five or more full-time equivalent employees (FTEs) must provide paid sick and safe leave to employees. An employer's specific obligations may vary depending upon how many FTEs they have. The ordinance applies to businesses that are based in Seattle, as well as those that are based outside Seattle but have employees that perform work in Seattle.

**Summary of Bill:** Employees will be able to accrue paid sick and safe leave, beginning January 1, 2014. This includes full-time, temporary, and part-time employees. Sick and safe leave accrual will be based upon the average number of FTEs an employer has. Employers with between five and 249 employees, considered tier one and tier two employers, will provide employees with one hour of leave for every 40 hours worked. Employers with 250 or more FTEs will provide employees with one hour of leave for every 30 hours worked. Employers with paid leave policies that are equivalent to the sick and safe leave for comparable employers in this act are not required to pay for additional sick and safe leave.

---

*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.*

Use of sick and safe leave may begin after an employee has worked for an employer for 180 days. An employee may use sick leave for their own or a family member's illness, injury, or other health condition.

Safe leave may be used when there is a public health hazard at an employee's place of work or child's school, or to address domestic violence issues.

Employers must keep records that reasonably indicate accrued and used sick and safe leave. Retaliation against employees who ask for or use sick or safe leave is prohibited.

The Department of Labor and Industries (L&I) is responsible for enforcement of the sick and safe leave laws and can conduct hearings for violations under the Administrative Procedures Act. The director of L&I may order appropriate relief. Parties may also file a civil action for a violation of this act.

Other laws that may provide greater accrual or use by employees of sick or safe leave, paid or unpaid, are not limited or affected by this act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 2013.

**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: This is a common sense policy, employees need paid sick and safe leave. The Seattle ordinance set a minimum standard. Business has improved since the Seattle law passed. Large businesses can do this if small businesses can. This is sound public policy. This is a public health issue. Employees should not be penalized for being sick. Health care workers should stay home when they are sick, but are punished if they do not come in. These are gender, race, and family issues. Most low-income employees do not have access to paid leave. Employees are more productive when they know they can take leave when it is needed. There are no negative effects, both business and workers benefit.

CON: This should not be a statewide standard, this is not one size fits all. Owners and employees typically work side by side and can work this out between them. We have concerns about the details. We have concerns about how to track the required information. Farmers have a limited ability to pass on costs, and this is problematic for growers. We are against government mandates.

OTHER: These benefits will come at a cost. This should be worked out between employers and employees.

**Persons Testifying:** PRO: Senator Harper, prime sponsor; Sarah Cherin, Joshua MacQueen, Marian Macapinlac, United Food and Commercial Workers Local 21; Boris Popovic, Main Street Alliance, Robin Flemming, WA State Nurses Assn.; Nick Licata, City of Seattle

Council; Grace Huang, WA State Coalition Against Domestic Violence; Lynne Dodson, WA State Labor Council; Janet Chung, Legal Voice; Candice Humphill, Maria Velez, Sean Embly, citizens.

CON: Kris Tefft, Assn. of WA Business; Steve Neighbors, Terra Staffing Group; Patrick Connor, National Federation of Independent Business; Scott Dilley, WA Farm Bureau.

OTHER: Erin Shannon, WA Policy Center; Trent England, Freedom Foundation.