

SENATE BILL REPORT

SB 5295

As of February 1, 2017

Title: An act relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

Brief Description: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

Sponsors: Senators Braun, Ranker, Hasegawa, Keiser and Chase; by request of Office of Financial Management.

Brief History:

Committee Activity: State Government: 2/03/17.

Brief Summary of Bill

- Allows employees to use the shared leave program for a pregnancy disability and parental leave.
- Defines parental leave and pregnancy disability.

SENATE COMMITTEE ON STATE GOVERNMENT

Staff: Melissa Van Gorkom (786-7491)

Background: Shared Leave Program. In 1989, the Legislature enacted the Washington State Leave Sharing Program (Program) for state employees. The stated purpose of the Program is to permit state employees to donate annual leave, sick leave, or personal holidays to fellow state employees who are suffering from, or have relatives or household members who are suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate their employment. The Program does not currently permit state employees to provide leave to fellow state employees who have a pregnancy disability.

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.

The agency head determines the amount of leave, if any, an employee may receive under this section; however, an employee may not receive a total of more than 522 days of leave unless extraordinary circumstances apply.

Employees may transfer a specified amount of sick leave to an employee requesting shared leave as long as they maintain a minimum of 176 hours of sick leave or 10 days of annual leave after the transfer.

Washington State Law Against Discrimination (WLAD) - Pregnancy Related Conditions.

The Washington State Human Rights Commission (WSHRC) is responsible, in part, for administering and enforcing the WLAD. Under the WLAD, employers must not discriminate against women; this includes a prohibition of discrimination against pregnant women.

Rules adopted by WSHRC outline that pregnancy related conditions include, but are not limited to, related medical conditions, miscarriage, pregnancy termination, and the complications of pregnancy. WSHRC requires an employer to provide a woman a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. Employers must allow pregnant women to take the same types and amount of leave that is provided for any other employee.

Summary of Bill: An agency head may permit an employee to receive donated personal holidays, annual or sick leave if the employee is sick or temporarily disabled because of pregnancy disability or for the purpose of parental leave.

The employee is not required to deplete all of their annual leave and sick leave to be eligible for shared leave for a pregnancy disability or parental leave and can maintain up to 40 hours of annual leave and sick leave in reserve.

Parental leave means leave to bond and care for:

- a newborn child after birth; or
- a child after placement for adoption or foster care, for a period of up to 16 weeks after the birth or placement.

Pregnancy disability means a pregnancy or childbirth related disability.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2017.