

SENATE BILL REPORT

EHB 2444

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 25, 2010

Title: An act relating to providing leave from employment for participating in a child's educational activities.

Brief Description: Providing leave from employment for participating in a child's educational activities.

Sponsors: Representatives Williams, Campbell, Liias, Chase, Sells, Rolfes, Nelson, Simpson, Goodman, Ormsby, Miloscia, Kagi, Roberts, White, Conway, Kenney, Hasegawa and Haigh.

Brief History: Passed House: 2/13/10, 54-40.

Committee Activity: Labor, Commerce & Consumer Protection: 2/23/10, 2/25/10 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Minority Report: Do not pass.

Signed by Senators Honeyford and King.

Staff: Kathleen Buchli (786-7488)

Background: State and federal laws provide that eligible employees are entitled to take leave for specified family and medical reasons. These laws include the federal Family and Medical Leave Act and the state Family Leave Law. The purposes for which leave may be taken under these and other laws do not include participating in a child's educational activities.

Under the federal Family and Medical Leave Act, eligible employees are entitled to take a specific number of weeks of unpaid leave in a 12-month period for specified family and medical reasons. An eligible employee is one who works for a covered employer; and has worked for the same employer for at least 12 months, and for at least 1,250 hours over the previous 12 months. An eligible employee is not one who works at a location at which the employer employs less than 50 employees if the total number employed within 75 miles of

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that worksite is less than 50. A covered employer is a private employer that had 50 or more employees in at least 20 weeks of the current or preceding year, or a public agency.

The state Family Leave Law generally conforms to federal law and related regulations, with certain exceptions. Employees are also entitled to leave for sickness or temporary disability related to pregnancy or childbirth, in addition to leave under federal law.

Summary of Bill: A new provision relating to participation in a child's educational activities is added to the state Family Leave Law. Employees are entitled to a total of four hours of unpaid leave during any 12-month period to attend or otherwise participate in a child's educational activities. This leave is in addition to other leave to which employees are entitled under federal law or the state Family Leave Law.

Employers and employees must mutually agree upon the time of the leave. Employers may require employees to provide written requests for leave at least 48 hours in advance, and to furnish written verification from the child's school of the employee's attendance or participation. Employees are limited to a total of four hours of unpaid leave, regardless of whether they have one or more children.

An employer is defined as a private employer, the state, or a unit of local government. A school is defined as any public school, private school, preschool, or licensed child care center.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony: PRO: This bill allows workers to be involved in their children's education and will allow them to participate in a special project. Nine states and the District of Columbia have similar leave policies. Businesses that currently allow workers to take unpaid leave to participate in their children's school activities have demonstrated increased productivity and higher morale. Parental involvement in school activities is a component of a child's educational success. This bill is not overly onerous to business. This provides the most help to low-income workers who do not have flexible work schedules.

CON: We recognize the importance of education and parental involvement and we strongly recommend businesses to provide unpaid leave to their workers in order to participate in school activities. We know of no employers who refuse to permit their employees from taking unpaid leave to participate in school activities. A mandate would make leave laws difficult to administer and no actual problems have been reported. Very small employers need flexibility to determine what works best for their businesses and employees. An additional four hours of leave would be difficult to keep track of and creates more problems.

Persons Testifying: PRO: Rebecca Johnson, Washington State Labor Council; Lonnie Johns-Brown; Lucinda Young, Washington Education Association.

CON: Kris Tefft, Association of Washington Business; Mark Johnson, Washington Retail Association; Patrick Connor, National Federation of Independent Business.