

# SENATE BILL REPORT

## HB 1087

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As of March 4, 2021

**Title:** An act relating to clarifying the continuity of employee family and medical leave rights.

**Brief Description:** Clarifying the continuity of employee family and medical leave rights.

**Sponsors:** Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan.

**Brief History:** Passed House: 2/3/21, 96-0.

**Committee Activity:** Labor, Commerce & Tribal Affairs: 3/10/21.

### Brief Summary of Bill

- Specifies that the Family Leave Act, as it existed prior to January 1, 2020, applies to valid claims based on conduct before that date and the Paid Family and Medical Leave Act applies to claims after that date.

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## SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

**Staff:** Matt Shepard-Koningsor (786-7627)

**Background:** Paid Family and Medical Leave Program. In 2017, the Paid Family and Medical Leave (PFML) program was enacted through the passage of SSB 5975. SSB 5975 used a delayed effective date to repeal the Family Leave Act (FLA) on December 31, 2019, the day prior to PFML benefits becoming available on January 1, 2020. The PFML program contained employment protection, non-interference, and non-discrimination provisions equivalent to those in the FLA.

Private Right of Action. SHB 2614, enacted in 2020, added a private right of action to the PFML program. A private action may be brought against any employer by an individual employee or employees, or as a class action. A private action must be commenced within three years of the alleged violation date. A private right of action is only available to an

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employee who either has not filed a complaint with the Employment Security Department (ESD), has withdrawn a filed complaint with ESD, or has resolved a filed complaint with ESD.

**Summary of Bill:** The provisions of the FLA, as it existed prior to January 1, 2020, apply to employee and employer conduct occurring on or before December 31, 2019. A cause of action based on that conduct remains available within its applicable statute of limitations. The provisions of the PFML program apply to conduct occurring on or after January 1, 2020.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Effective Date:** The bill contains an emergency clause and takes effect immediately.