

SENATE BILL REPORT

ESSB 5329

As Passed Senate, February 19, 2002

Title: An act relating to leave from employment for crime victims.

Brief Description: Allowing crime victims employment leave.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Costa, Fairley, Hargrove, Kline, Gardner, Eide, Kohl-Welles and Prentice).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/5/01, 2/20/01 [DPS]. Passed Senate: 3/14/01, 27-22; 2/13/02, 26-22. Reconsidered: Passed Senate 2/19/02, 27-22.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Regala and Winsley.

Staff: Jack Brummel (786-7428)

Background: Employees who are crime victims may need to participate in legal proceedings and obtain medical treatment or other services arising from the crime. Neither the crime victim compensation law nor the state's labor standards related to leave provide for a grant of leave from work for crime victims.

Summary of Bill: Unless an employer would suffer undue hardship, the employer must grant leave from work to employees who are crime victims, survivors of homicide victims, or parents of child sex abuse victims when the employee needs the leave to participate in court proceedings and receive medical care or other services. The criminal act must be reported to the local police or sheriff. The requested leave must be practical, reasonable, necessary, and asked for in writing within a reasonable time. The leave may be taken for less than a full day or less than a full week.

The leave rights granted by the bill do not diminish any other leave rights an employee may have and no sanction or loss of benefits may occur when they are exercised. No more than six weeks of leave are required in any 12-month period.

A complaint and penalty process is established for violations of the leave rights granted by the bill. The Department of Labor and Industries must include a notice of the bill's provisions in its employment posters. The department must adopt rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on September 1, 2002.

Testimony For: The criminal justice system relies on victims to be available when needed. This puts a burden on victims which the bill addresses by allowing victims employment leave. Current laws do not protect or accommodate crime victims needs for leave.

Testimony Against: Washington employers already provide broader family and disability leave than most states. The leave authorized is unnecessarily vague. There is no reporting to the police requirement.

Testified: Senator Costa, prime sponsor (pro); Lonnie Johns-Brown WCSAP (pro); Clif Finch, AWB (con).