

# SENATE BILL REPORT

## SSB 6426

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As Passed Senate, February 15, 2002

**Title:** An act relating to use of employer-granted leave to care for family members with serious medical conditions.

**Brief Description:** Allowing sick leave to care for family members.

**Sponsors:** Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Keiser, Winsley, Prentice, Franklin, Thibaudeau and Kohl-Welles).

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 1/22/02, 1/31/02 [DPS, DNP].

Passed Senate: 2/15/02, 38-10.

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

**Majority Report:** That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Deccio, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

**Minority Report:** Do not pass.

Signed by Senators Hochstatter and Honeyford.

**Staff:** Joanne Conrad (786-7472)

**Background:** Federal and state laws provide for unpaid family leave, to enable employees to care for family members. Federal law, the Family and Medical Leave Act of 1993 (FMLA), provides for up to 12 weeks of unpaid, job-protected leave for eligible employees who have worked for at least one year for a covered employer. State law is more limited in scope, providing employees the right to return to a workplace within 20 miles of their original one, and clarifying that employees may use FMLA leave for sickness or temporary disability related to pregnancy or childbirth.

Washington state also has a family care law, allowing an employee to use accrued sick leave to care for a child under 18 with a health condition that requires treatment or supervision.

Numerous studies over the past several years have shown an increased concern in the workplace for how to deal with employees with family situations that demand extra attention. Balancing these "work-life" issues has become a controversial area of modern life, with many different approaches explored by workers and employers.

**Summary of Bill:** Employees' use of sick leave includes the use of sick leave or other paid leave to care for a spouse, child, parent, parent-in-law, or grandparent with a health condition requiring treatment or supervision.

Employers must allow use of sick leave, vacation or personal holiday to which the employee is entitled. Usable leave does not include jury duty or military leave.

For purposes of the law, "child" means a biological, adopted, foster or stepchild or legal ward under 18, or a child older than 18 and incapable of self-care. "Parent" means a biological parent or someone who was "in loco parentis" to the employee when the employee was a child. "In loco parentis" is a legal term of art meaning a person or entity that stands in place of a parent.

Employers may not discharge, threaten to discharge, demote, suspend, discipline or discriminate against employees who exercise their rights to family leave under this law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Today's workforce demographics mean that more women and couples are working. When family care issues arise, workers need flexibility to help family members. Employers who accommodate their workers' needs improve productivity, recruitment and retention, as well as lowering stress. Workers and their families benefit from expanded use of leave.

**Testimony Against:** Only earned leave should be usable, and the types of leave should be limited. Employers need notice. This bill would increase the burden on employers. Employee benefits have too many loopholes now. This will increase costs.

**Testified:** PRO: Senator Keiser, prime sponsor; Anne Montgomery, M.D., Academy of Family Physicians; Pamela Dunn, WA State Labor Council; Marilyn Watkins, Economic Opportunity Institution; CON: Clif Finch, AWB; Rosemary Williamson, Verizon.

**House Amendment(s):** Leave may also be taken for emergency conditions. Leave must comply with collective bargaining agreement terms or with employer's policies except for the terms relating to choice of type of leave. Leave may not be taken in advance of being earned. References to the use of jury duty or military leave are removed.