
**Labor & Workforce Development
Committee**

HB 1164

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

Sponsors: Representatives Liias, Goodman, Hunt, Reykdal, Ormsby, Frockt, Sells, Upthegrove, Kagi, Jinkins, Fitzgibbon, Kenney, Roberts, Hasegawa, Billig and Santos.

Brief Summary of Bill

- Provides that employees are entitled to four hours of unpaid leave during any 12-month period to participate in a child's educational activities.

Hearing Date: 1/19/11

Staff: Jill Reinmuth (786-7134).

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.

Federal Family and Medical Leave Act.

Eligible employees are entitled to take a specified number of weeks of unpaid leave in a 12-month period for specified family and medical reasons, and to be reinstated to their original jobs or equivalent jobs.

Up to 12 weeks of unpaid leave may be taken for:

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- the birth and care of a child of the employee;
- the placement of a child with the employee for adoption or foster care;
- the care of an immediate family member who has a serious health condition; or
- the serious health condition of the employee that makes the employee unable to work.

Up to 26 weeks of unpaid leave may be taken to care for family members injured while on active duty in the Armed Forces, and up to 12 weeks of unpaid leave may be taken for any qualifying exigencies arising out of the fact that family members are on active duty in the Armed Forces in support of contingency operations.

An eligible employee is one who: (1) works for a covered employer; and (2) has worked for the same employer for at least 12 months, and for at least 1,250 hours over the previous 12 months. (There is an exclusion, if an otherwise eligible employee, works at a location at which the employer employs less than 50 employees and the total number employed within 75 miles of 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.

State Family Leave Law.

The state Family Leave Law generally conforms to federal law and related regulations, with certain exceptions.

Eligible employees are entitled to take up to 12 weeks of unpaid leave in a 12-month period for:

- the birth and care of a child of the employee;
- the placement of a child with the employee for adoption or foster care;
- the care of a family member who has a serious health condition; or
- the serious health condition of the employee that makes the employee unable to work.

Upon returning from leave, eligible employees are entitled to be returned to workplaces within 20 miles of their original workplaces. Employees are also entitled to leave for sickness or temporary disability related to pregnancy or childbirth, in addition to leave under federal law. Employers must allow employees to continue their health coverage at their own expense during leave.

Laws in Other States.

Parents are entitled to take leave to participate in children's educational activities in at least nine other states and the District of Columbia. These states are California, Colorado, Illinois, Massachusetts, Minnesota, Nevada, North Carolina, Rhode Island, and Vermont.

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.

An "employee" is any person employed by an employer. An "employer" is a private employer, the state, or a unit of local government. A "school" is a public or private school, a preschool, or a licensed child care center.

Appropriation: None.

Fiscal Note: Requested on 1/17/2011.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.