

SENATE BILL REPORT

SHB 1259

As of March 20, 1995

Title: An act relating to limiting administration and enforcement of chapter 49.78 RCW.

Brief Description: Limiting administration and enforcement of chapter 49.78 RCW.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Lisk and Horn).

Brief History:

Committee Activity: Labor, Commerce & Trade: 3/20/95.

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Staff: Jack Brummel (786-7428)

Background: State family leave law. In 1989, the state family leave law was enacted. The family leave law applies to state employers and all other employers of 100 or more employees. The law entitles a covered employee to 12 workweeks of unpaid family leave during any 24-month period to care for the employee's newborn child or adopted child under the age of six, or to care for the employee's terminally ill child who is under age 18. On return from leave, the employee is entitled to the same employment position as he or she held when leave commenced or to a position with equivalent benefits and pay at a workplace within 20 miles of the original workplace.

Federal family and medical leave law. The federal Family and Medical Leave Act was enacted in 1993. The federal law applies to employers of 50 or more employees and entitles employees to up to 12 weeks of unpaid leave in any 12-month period. Employees may take leave to care for the employee's newborn child or adopted child under age 18 or to care for a spouse, child, or parent with a serious health condition, or because of the serious health condition of the employee that makes the employee unable to perform his or her job.

On return from leave, most employees are entitled to be restored to the same employment position as he or she held when leave commenced or to a position with equivalent benefits.

Under the federal law, a state law that provides greater family or medical leave rights is not superseded by the federal law.

Summary of Bill: The Department of Labor and Industries neither administers nor enforces the state family leave law unless the federal family and medical leave law is repealed or it is amended to provide less leave than the state law.

The department must continue enforcement of the requirement under state law, so that when an employee is returned to an alternative, comparable job, the location must be within 20 miles of the employee's original workplace. An employer receiving an initial citation for

a violation of this requirement has 30 days to take corrective action and no penalty issues if a correction is made.

Appropriation: None.

Fiscal Note: Available.

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