
SUBSTITUTE HOUSE BILL 1259

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Lisk and Horn)

Read first time 03/01/95.

1 AN ACT Relating to limiting administration and enforcement of
2 chapter 49.78 RCW; and adding a new section to chapter 49.78 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.78 RCW
5 to read as follows:

6 (1) Except as otherwise provided in this section, the department
7 will cease to administer and enforce this chapter beginning on the
8 effective date of this section, and until the earlier of the following
9 dates:

10 (a) The effective date of the repeal of the federal family and
11 medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6);
12 or

13 (b) July 1 of the year following the year in which amendments to
14 the federal family and medical leave act of 1993 (Act Feb. 5, 1993,
15 P.L. 103-3, 107 Stat. 6) take effect that provide less family leave
16 than is provided under RCW 49.78.030. In determining whether the
17 federal law provides the same or more leave, the department shall only
18 consider whether (i) the total period of leave allowed under the
19 amended federal law is twelve or more workweeks in a twenty-four month

1 period, and (ii) the types of leave authorized under the amended
2 federal law are broader than the leave authorized in chapter 49.78 RCW.

3 (2) If an employee returning from leave is restored to a position
4 that is equivalent to the position held by the employee when leave
5 commenced with equivalent employment benefits, pay and other terms and
6 conditions of employment, the employee's right under RCW
7 49.78.070(1)(b) to be returned to a workplace within twenty miles of
8 the employee's workplace when leave commenced shall remain in effect.
9 The department shall enforce this subsection under RCW 49.78.140
10 through 49.78.190, except that an initial notice of infraction shall
11 state that the employer has thirty days in which to take corrective
12 action. No infraction or penalty may be assessed if the employer
13 complies with the requirements of the initial notice of infraction.

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