

SSB 6426 - S AMD 546  
By Senator Honeyford

NOT ADOPTED 02/15/02

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. I. RCW 49.12.270 and 1988 c 236 s 3 are each amended to read  
4 as follows:

5 If, under the terms of a collective bargaining agreement or formal  
6 employer policy that applies to an employee, the employee is entitled  
7 to sick leave, vacation or personal leave with pay, then an employer  
8 shall allow an employee to use ((the employee's accrued sick leave))  
9 any or all of such accrued paid time off to care for a spouse, parent,  
10 or child of the employee ((under the age of eighteen)) with a health  
11 condition that requires treatment or supervision. Consistent with the  
12 terms of a collective bargaining agreement or employer policy, the  
13 employee must comply with the terms and conditions of such agreement or  
14 policy applicable to each type of such accrued leave, including but not  
15 limited to notice, scheduling, medical certification, and reporting  
16 requirements. If the appropriate collective bargaining agreement or  
17 employer policy, as applicable, does not bar the employer from  
18 determining which leave should apply to any particular absence, the  
19 employer may continue to determine whether sick leave, vacation or  
20 personal leave with pay shall apply to any particular leave taken  
21 pursuant to this section. Leaves of any length taken pursuant to this  
22 chapter shall not be used to determine whether the employee taking such  
23 leave is paid a "salary" for purposes of Chapter 49.46 RCW. Use of  
24 leave other than ((accrued)) sick leave, vacation or personal leave  
25 with pay, to care for a spouse, parent, or child under the  
26 circumstances described in this section shall be governed by the terms  
27 of the appropriate collective bargaining agreement, ((or)) employer  
28 policy, statute or rule, as applicable.

1           NEW SECTION.   **Sec. II.**   A new section is added to chapter 49.12 RCW  
2 to read as follows:

3           The definitions in this section apply throughout RCW 49.12.270  
4 through 49.12.295 unless the context clearly requires otherwise.

5           (1) "Child" means a biological, adopted, or foster child, a  
6 stepchild, a legal ward, or a child of a person standing in loco  
7 parentis who is: (a) Under eighteen years of age; or (b) eighteen years  
8 of age or older and incapable of self-care because of a mental or  
9 physical disability.

10          (2) "Parent" means a biological parent of an employee or an  
11 individual who stood in loco parentis to an employee when the employee  
12 was a child.

13          (3) "Sick leave, vacation or personal leave with pay" includes  
14 accrued time allowed under the terms of an appropriate collective  
15 bargaining agreement or formal employer policy, as applicable, to an  
16 employee for illness, vacation, and personal holiday, but does not  
17 include other paid time off including but not limited to paid time off  
18 as a reward or bonus, jury duty, military duty, disability leave,  
19 unemployment insurance or industrial insurance. The time may be  
20 accrued on an annual, monthly or other basis as provided by the  
21 appropriate collective bargaining agreement or employer policy, as  
22 applicable.

23          (4) "Spouse" means a husband or wife, as the case may be.

24           NEW SECTION.   **Sec. III.**   A new section is added to chapter 49.12  
25 RCW to read as follows:

26           An employer shall not discharge, threaten to discharge, demote,  
27 suspend, discipline, or otherwise discriminate against an employee  
28 because the employee: (1) Has exercised, or attempted to exercise, any  
29 right provided under RCW 49.12.295. Any complaint that an employer has  
30 violated the above provisions may only be initiated by filing a claim  
31 with the department pursuant to RCW 49.12.280 and 49.12.285, and the  
32 procedures and remedies available pursuant to RCW 49.12.285 shall be  
33 the only procedures and remedies available for any alleged violation.  
34 Nothing in this section shall be construed to prohibit an employer from  
35 enforcing a reasonable attendance policy.

36           NEW SECTION.   **Sec. IV.**   A new section is added to chapter 49.12 RCW  
37 to read as follows:

1           This section shall become effective on January 1, 2003, or for  
2 individual employers with collective bargaining agreements, upon the  
3 expiration of their current agreements, whichever is later."

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**EFFECT:** Allows employees to use accrued leave to care for a sick spouse, child or parent. The employee must follow the provisions of a collective bargaining agreement or employer policy with respect to notice, scheduling, medical certification and reporting requirements. An employer may not penalize an employee who exercises these rights. Employees may file claims with the department of labor and industries for an employer's violations of these provisions.