

HOUSE BILL REPORT

HB 2940

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to increasing leave from employment for children's educational activities.

Brief Description: Increasing leave from employment for children's educational activities.

Sponsors: Representatives Simpson, G., Campbell, Cooper, Jarrett, Ormsby and Conway.

Brief History:

Committee Activity:

Commerce & Labor: 2/3/04, 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Makes certain employees entitled to take up to four hours of leave per calendar quarter to participate in parent-teacher school conferences.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 4 members: Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

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 (FMLA), the state Family Leave Law, and the state Family Care Law. The purposes for which leave may be taken under these laws do not include participating in a child's educational activities.

Federal Family and Medical Leave Act

Eligible employees are entitled to take up to 12 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. Leave may be taken for the following purposes:

- 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.

An eligible employee is one who has worked for a covered employer for at least 12 months, and for at least 1,250 hours over the previous 12 months. A covered employer is one that had 50 or more employees in at least 20 weeks of the current or preceding year.

State Family Leave Law

Enforcement of the state Family Leave Law is currently suspended in large part. As originally enacted, however, eligible employees were entitled to take up to 12 weeks of unpaid leave in a 24-month period for specified family and medical reasons, and to be reinstated to their original jobs or equivalent jobs within 20 miles of their workplaces. Leave could be taken for the following purposes:

- The birth of a child of the employee;
- The placement of a child under age 6 with the employee for adoption; or
- The care of a child under age 18 who has a terminal health condition.

An eligible employee was one who had worked for a covered employer on a continuous basis for the previous 52 weeks for at least 35 hours per week. A covered employer was one that had 100 or more employees in the last calendar quarter.

State Family Care Law

If employees are entitled to sick leave or other paid time off under collective bargaining agreements or employer policies, employer are also entitled to use their choice of that leave for the following purposes:

- The care of a child with health conditions that require treatment or supervision; or
- The care of a spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition.

Laws in Other States

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

Summary of Substitute Bill:

A new provision relating to participation in parent-teacher school conferences is added to the state Family Leave Law. This new provision is in effect; enforcement of this new provision is not suspended.

Eligible employees are entitled to take up to four hours of leave per calendar quarter to participate in parent-teacher school conferences. An eligible employee is one who has worked for a covered employer on a continuous basis for the previous 52 weeks for at least 35 hours per week. A covered employer is a private employer that had eight or more employees in the last calendar quarter, or a public employer.

Employers may require that the leave be unpaid, and be taken after the employee first uses other accumulated leave to which the employee is entitled. Employers also may require that requests for leave be supported by reasonable information or a certification. Employees planning to take leave must give five days advance notice of the dates during which they intend to take leave.

The act takes effect 90 days after adjournment of the session in which the bill is passed, except that, for employees covered under unexpired collective bargaining agreements and employee benefit plans, the act applies upon the expiration of the agreements or the first day of the next plan year.

Substitute Bill Compared to Original Bill:

It is clarified that the amount of leave provided for parent-teacher conferences is four hours per calendar quarter, and that the leave is unpaid. Other technical corrections are made.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Testimony For: Teachers say that one of the things we can do to improve our educational system is to get parents to the schools so they can be more involved with their children's education. This is a modestly crafted bill that provides a minimum amount of time off. It establishes a good policy for our educational system. This is a matter of human decency. It just provides for four hours per calendar quarter for school conferences. Parent participation is critical to the success of our kids. Leave is especially important for single-parent families and families in which there are two working parents.

Testimony Against: We have concerns about this bill. This is a cumulative requirement on employers. There are no less than four or five different leave laws that employers have to comply with. Getting employees off on leave is expensive, and has costs in terms of workforce and workplace stability. It is important to keep in mind the cumulative burdens we place on businesses, especially small businesses.

Persons Testifying: (In support) Representative G. Simpson, prime sponsor; and Robby Stern, Washington State Labor Council.

(Opposed) Kris Tefft, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.