

---

**State Government, Elections &  
Information Technology Committee**

---

**HB 1434**

**Brief Description:** Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

**Sponsors:** Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet; by request of Office of Financial Management.

**Brief Summary of Bill**

- Agency heads may grant shared leave for parental leave or temporary pregnancy disability.
- State employees may access shared leave for parental leave or temporary pregnancy disability prior to depleting leave reserves.

**Hearing Date:** 2/1/17

**Staff:** Megan Palchak (786-7105).

**Background:**

The federal Family Medical Leave Act (FMLA) provides employees up to 12 weeks of unpaid leave during a 12-month period to care for a newborn, adopted or foster child, family member, or the employee's own serious medical condition. States may set more expansive standards. According to the National Council on State Legislatures, only three states, not including Washington, offer paid family leave.

In Washington, leave for birth or placement of a child expires at the end of the twelve-month period beginning on the date of birth or placement. Public employees may transfer leave to, and access leave from, a shared leave pool. In 1989, the Legislature expressed its intent regarding sharing leave, and found generally that: (1) state employees have historically joined together to

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

help fellow employees experiencing difficult circumstances, and (2) circumstances may be exacerbated because affected employees are forced to take leave without pay.

Personnel authorities are required to adopt rules regarding leave sharing. Separately, rules promulgated by the Human Rights Commission regarding sex discrimination (WAC 162-30-020) define "pregnancy related conditions" as those including, but not limited to, miscarriage, pregnancy termination, complications of pregnancy, and related medical conditions. These rules do not explicitly address "pregnancy disability".

**Summary of Bill:**

The Legislature additionally finds that public employees have joined together to help fellow employees who are sick or temporarily disabled due to pregnancy disability or for parental leave.

State agency heads are authorized to permit state employees to receive shared leave for parental leave or temporary disability due to pregnancy disability. Employees are not required to deplete all of his or her annual and sick leave, and may maintain up to forty hours of leave in reserve.

Parental leave is defined, for the purposes of shared leave, as leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen weeks after the birth or placement. Pregnancy disability is defined as a pregnancy or childbirth related disability, as defined in WAC 162-30-02.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2017.

**Effective Date:** The bill takes effect on July 1, 2017.