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**Labor & Workplace Standards  
Committee**

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**HB 1087**

**Brief Description:** Clarifying the continuity of employee family and medical leave rights.

**Sponsors:** Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan.

**Brief Summary of Bill**

- Specifies that the Family Leave Act as it existed prior to January 1, 2020 applies to valid claims based on conduct before that date, and the Paid Family and Medical Leave (PFML) Act applies to claims after that date.

**Hearing Date:** 1/20/21

**Staff:** Lily Smith (786-7175).

**Background:**

Prior to 2020, the Family Leave Act (FLA) entitled eligible employees to take up to 12 weeks of unpaid leave in a 12-month period, for specified reasons. The FLA also contained employment protection provisions that entitled an employee returning from leave to be restored to their same or equivalent position. Employers were prohibited from interfering with, or discriminating against, employees exercising their rights under FLA. Enforcement provisions in the FLA included a private right of action for employees.

In 2017, the Paid Family and Medical Leave (PFML) program was enacted through the passage of Substitute Senate Bill 5975 (SSB 5975). SSB 5975 used a delayed effective date to repeal the FLA on December 31, 2019, the day prior to PFML benefits becoming available on January 1, 2020. The PFML program as enacted contained employment protection, noninterference and

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nondiscrimination provisions equivalent to the those in the FLA. Substitute House Bill 2614, enacted in 2020, added a private right of action to the PFML program.

**Summary of Bill:**

The provisions of the FLA as it existed prior to January 1, 2020 apply to employee and employer conduct occurring on or before December 31, 2019. A cause of action based on that conduct remains available within its applicable statute of limitations.

The provisions of the PFML program apply to conduct occurring on or after January 1, 2020.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.