

1 **SSB 6426** - H AMD  
2 By Representative \_\_\_\_

3 Strike everything after the enacting clause and insert the  
4 following:

5 "**Sec. 1.** RCW 49.12.270 and 1988 c 236 s 3 are each amended to  
6 read as follows:

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

31 NEW SECTION. Sec. 2. A new section is added to chapter 49.12 RCW  
32 to read as follows:

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

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

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

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

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

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12 RCW  
20 to read as follows:

21 An employer shall not discharge, threaten to discharge, demote,  
22 suspend, discipline, or otherwise discriminate against an employee  
23 because the employee has exercised, or attempted to exercise, any right  
24 provided under RCW 49.12.270. Any complaint that an employer has  
25 violated RCW 49.12.270 may only be initiated by filing a claim with the  
26 department pursuant to RCW 49.12.280 and 49.12.285, and the procedures  
27 and remedies available pursuant to RCW 49.12.285 shall be the only  
28 procedures and remedies available for any alleged violation. Nothing  
29 in this section shall be construed to prohibit an employer from  
30 enforcing a reasonable attendance policy.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12 RCW  
32 to read as follows:

33 This act shall become effective January 1, 2003, or for individual  
34 employers with collective bargaining agreements, upon the expiration of  
35 their current agreements, whichever is later."

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**EFFECT:**

- ∅ Defines sick leave, vacation or personal leave with pay- as not including paid time off as a reward or bonus, disability leave, unemployment insurance or industrial insurance.
- ∅ Provides that employer makes choice of which leave is taken (unless barred from doing so by collective bargaining agreement or employer policy).
- ∅ Requires that leave taken for these purposes be accrued on an annual, monthly or other basis- as provided by the collective bargaining agreement or employer policy.
- ∅ Strikes parents-in-law and grandparents from the family members for whom leave may be taken.
- ∅ Requires an employee to comply with terms and conditions of the collective bargaining agreement or employer policy applicable to each type of leave, including but not limited to notice, scheduling, medical certification, and reporting.
- ∅ Explicitly limits procedures and remedies to those set forth in current state Family Care Law.
- ∅ Provides that any length of leave taken under the state Family Care Law does not change an employee's status under the state Minimum Wage Act.
- ∅ Modifies the effective date as follows: For employers without collective bargaining agreements, the effective date is January 1, 2003. For employers with collective bargaining agreements, effective date is the date the current agreement expires or January 1, 2003, whichever is later.
- ∅ Provides that the non-discrimination section shall not be construed to prohibit an employer from enforcing a reasonable attendance policy.