

HOUSE BILL REPORT

EHB 2444

As Passed House:
February 13, 2010

Title: An act relating to providing leave from employment for participating in a child's educational activities.

Brief Description: Providing leave from employment for participating in a child's educational activities.

Sponsors: Representatives Williams, Campbell, Lias, Chase, Sells, Rolfes, Nelson, Simpson, Goodman, Ormsby, Miloscia, Kagi, Roberts, White, Conway, Kenney, Hasegawa and Haigh.

Brief History:

Committee Activity:

Commerce & Labor: 1/19/10, 2/2/10 [DP].

Floor Activity:

Passed House: 2/13/10, 54-40.

Brief Summary of Engrossed Bill

- Provides that employees are entitled to four hours of unpaid leave during any 12-month period to participate in a child's educational activities.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

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

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

Federal Family and Medical Leave Act.

Eligible employees are entitled to take a specified number of 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.

Up to 12 weeks of unpaid leave may be taken for:

- 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.

Up to 26 weeks of unpaid leave may be taken to care for family members injured while on active duty in the Armed Forces, and up to 12 weeks of unpaid leave may be taken for any qualifying exigencies arising out of the fact that family members are on active duty in the Armed Forces in support of contingency operations.

An eligible employee is one who: (1) works for a covered employer; and (2) has worked for the same employer for at least 12 months, and for at least 1,250 hours over the previous 12 months. An eligible employee is not one who works at a location at which the employer employs less than 50 employees if the total number employed within 75 miles of that worksite is less than 50. A covered employer is a private employer that had 50 or more employees in at least 20 weeks of the current or preceding year, or a public agency.

State Family Leave Law.

The state Family Leave Law generally conforms to federal law and related regulations, with certain exceptions.

Eligible employees are entitled to take up to 12 weeks of unpaid leave in a 12-month period for:

- 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 a family member who has a serious health condition; or
- the serious health condition of the employee that makes the employee unable to work.

Upon returning from leave, eligible employees are entitled to be returned to workplaces within 20 miles of their original workplaces. Employees are also entitled to leave for sickness or temporary disability related to pregnancy or childbirth, in addition to leave under federal law. Employers must allow employees to continue their health coverage at their own expense during leave.

Laws in Other States.

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

Summary of Engrossed Bill:

A new provision relating to participation in a child's educational activities is added to the state Family Leave Law.

Employees are entitled to a total of four hours of unpaid leave during any 12-month period to attend or otherwise participate in a child's educational activities. Employees are limited to a total of four hours, regardless of whether they have one or more children. This leave is in addition to other leave to which employees are entitled under federal law or the state Family Leave Law.

Employers and employees must mutually agree upon the time of the leave. Employers may require employees to provide written requests for leave at least 48 hours in advance, and to furnish written verification from the child's school of the employee's attendance or participation.

An "employee" is any person employed by an employer. An "employer" is a private employer, the state, or a unit of local government. A "school" is a public or private school, a preschool, or a licensed child care center.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect July 1, 2010.

Staff Summary of Public Testimony:

(In support) Parental involvement in children's educational activities should be encouraged.

Other states have provided for leave from employment for such activities. This bill is based on North Carolina law, which provides for four hours of leave per year. Illinois provides for eight hours per year. The District of Columbia provides for 24 hours per year. California provides for eight hours per month.

It is important for kids to reinforce our interest in their education. It is important for parents to know what is going on in their schools.

(Opposed) Washington has an enormous field of leave laws. This is a highly technical area of law. The details need to be sorted out.

There are different coverage and eligibility standards for employers and employees under the bill than under other laws. This leave requirement applies to the smallest of small employers.

There are questions about how this leave is coordinated with other types of leave. This leave does not run concurrently with other types of leave.

With unemployment over 9 percent and with unemployment taxes and workers' compensation premiums going up, this bill should not be part of the public policy discussion this session. It should be part of a broader discussion of leave laws. It could be looked at during the interim. The focus should be on growing the state's economy.

Persons Testifying: (In support) Representative Williams, prime sponsor; and Jeff Johnson, Washington State Labor Council.

(Opposed) Kris Tefft, Association of Washington Business; Mark Johnson, Washington Retail Association; and Patrick Conner, National Federation of Independent Business.

Persons Signed In To Testify But Not Testifying: None.