
Judiciary Committee

SSB 5173

Title: An act relating to the respecting holidays of faith and conscience act.

Brief Description: Respecting holidays of faith and conscience.

Sponsors: Senate Committee on Commerce & Labor (originally sponsored by Senators Hasegawa, Kline, Frockt and Chase).

Brief Summary of Substitute Bill

- Entitles employees of the state and its political subdivisions to two unpaid holidays per year, and provides that an employer must allow any authorized non-legal holidays to be taken on specific days for reasons of faith or conscience, unless the absence would create an undue hardship.
- Allows school absences for up to two days for reasons of faith or conscience for children aged eight through seventeen.
- Requires institutions of higher education and workforce training programs to accommodate student absences for not less than two days to allow students to take holidays for reasons of faith and conscience.

Hearing Date: 2/25/14

Staff: Omeara Harrington (786-7136).

Background:

Holidays and Other Employee Absences.

Legal holidays are identified in statute, and include: Sundays, New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, the Fourth of July, Labor Day, Veterans' Day, Thanksgiving Day and the day after, and Christmas Day. Employees of the state and its political subdivisions are entitled to one additional paid holiday per calendar year. An employee may select the day upon which the holiday is taken after consultation with his or her employer pursuant to personnel guidelines. Employees of school districts and nonclassified employees of

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institutions of higher education who are appointed or under contract to perform services for less than one year are not entitled to an additional paid holiday.

Federal and state laws protect employees from workplace discrimination on a number of protected bases, including religion. Under Title VII of the federal Civil Rights Act, absent undue hardship on the employer's operation of its business, an employer must provide reasonable accommodation for the employee's sincerely held religious beliefs or practices. A reasonable accommodation may include schedule changes or leave for religious observances.

School Absences.

Children from the age of eight until they turn eighteen must attend public school full time, unless they attend a private school, are homeschooled, are sixteen or older and employed, or have graduated. The school district superintendent may additionally excuse a child from attendance for reasons of physical or mental inability to attend, attendance at a residential or correctional facility, or because the child's parents have requested a temporary absence, unless absence would have a serious adverse effect upon the child's progress. Students temporarily excused by a superintendent may be claimed as full-time equivalent students, to the extent they would otherwise have been claimed, for purposes of basic education funding allocation and instructional requirements.

Summary of Bill:

Employees of the state and its political subdivisions are entitled to two unpaid holidays per calendar year in addition to the currently authorized holidays. Employees of school districts and nonclassified employees of institutions of higher education who are appointed or under contract to perform services for less than one year, and employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs, are also entitled to two additional unpaid holidays per year. If an employee wishes to take the authorized one paid holiday or up to two unpaid holidays on specific days for a reason of faith or conscience, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer.

An additional exception to compulsory public school attendance is permitted. A child may be excused from school, subject to approval by the student's parent, for a reason of faith or conscience for up to two days without penalty. These absences cannot mandate school closures. Students excused for temporary absences may be claimed as full-time equivalent students, to the extent they would otherwise have been claimed, for purposes of basic education funding allocation and instructional requirements.

Institutions of higher education and workforce training programs must develop policies to accommodate student absences for not less than two days to allow students to take holidays for reasons of faith or conscience without adverse impact to the students' grades.

Appropriation: None.

Fiscal Note: Requested on February 21, 2014.

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