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ENGROSSED SENATE BILL 5726
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State of Washington   **63rd Legislature**   **2013 Regular Session**

By Senators Braun, Tom, Bailey, Schoesler, Padden, and Benton

Read first time 02/12/13.   Referred to Committee on Commerce & Labor.

1   AN ACT Relating to geographic limitations on local paid sick leave
2 and paid safe leave programs; adding a new section to chapter 35.21
3 RCW; adding a new section to chapter 35A.21 RCW; and adding a new
4 section to chapter 36.01 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6   NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
7 to read as follows:
8   (1) No city or town may require an employer to provide paid sick
9 leave or paid safe leave to an employee unless:
10   (a) The employer has a physical location within the jurisdiction;
11 and
12   (b) The employee works at or reports to a physical location of the
13 employer within the jurisdiction for at least eighty-five percent of
14 the hours worked for that employer in the current calendar year.
15   (2) This section applies to any ordinance, code, regulation, or
16 rule enacted on or after the effective date of this section, or in
17 effect on the effective date of this section.
18   (3) For purposes of this section:
19   (a) "Paid sick leave" means paid leave:

1   (i) Due to the employee's mental or physical illness, injury, or
2   health condition; need for medical diagnosis, care, or treatment of a
3   mental or physical illness, injury, or health condition; or need for
4   preventive medical care; or
5   (ii) To allow the employee to provide care of a family member with
6   a mental or physical illness, injury, or health condition; who needs
7   medical diagnosis, care, or treatment of a mental or physical illness,
8   injury, or health condition; or who needs preventive medical care.
9   (b) "Paid safe leave" means paid leave:
10   (i) Due to an employee's place of business, or the school or place
11   of care of an employee's child, being closed by order of a public
12   official to limit exposure to an infectious agent, biological toxin, or
13   hazardous material; or
14   (ii) Due to an employee or an employee's family member being a
15   victim of domestic violence, sexual assault, or stalking.
16   (c) "Employer" means any person who has one or more employees, or
17   the employer's designee or any person acting in the interest of such an
18   employer.
19   (d) "Employee" means any individual employed by an employer, and
20   shall include traditional employees, temporary workers, and part-time
21   employees. In the event that a temporary employee is supplied by a
22   staffing agency or similar entity, absent a contractual agreement
23   stating otherwise, that individual is deemed to be an employee of the
24   staffing agency.
25   (e) "Staffing agency" means any person undertaking with or without
26   compensation to procure opportunities to work or to procure, recruit,
27   refer, or place individuals with an employer or in employment.
28   (4) This section may not be construed to impair any provision in a
29   collective bargaining agreement.

30   NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW
31   to read as follows:
32   (1) No code city may require an employer to provide paid sick leave
33   or paid safe leave to an employee unless:
34   (a) The employer has a physical location within the jurisdiction;
35   and
36   (b) The employee works at or reports to a physical location of the

1 employer within the jurisdiction for at least eighty-five percent of
2 the hours worked for that employer in the current calendar year.

3 (2) This section applies to any ordinance, code, regulation, or
4 rule enacted on or after the effective date of this section, or in
5 effect on the effective date of this section.

6 (3) For purposes of this section:

7 (a) "Paid sick leave" means paid leave:

8 (i) Due to the employee's mental or physical illness, injury, or
9 health condition; need for medical diagnosis, care, or treatment of a
10 mental or physical illness, injury, or health condition; or need for
11 preventive medical care; or

12 (ii) To allow the employee to provide care of a family member with
13 a mental or physical illness, injury, or health condition; who needs
14 medical diagnosis, care, or treatment of a mental or physical illness,
15 injury, or health condition; or who needs preventive medical care.

16 (b) "Paid safe leave" means paid leave:

17 (i) Due to an employee's place of business, or the school or place
18 of care of an employee's child, being closed by order of a public
19 official to limit exposure to an infectious agent, biological toxin, or
20 hazardous material; or

21 (ii) Due to an employee or an employee's family member being a
22 victim of domestic violence, sexual assault, or stalking.

23 (c) "Employer" means any person who has one or more employees, or
24 the employer's designee or any person acting in the interest of such an
25 employer.

26 (d) "Employee" means any individual employed by an employer, and
27 shall include traditional employees, temporary workers, and part-time
28 employees. In the event that a temporary employee is supplied by a
29 staffing agency or similar entity, absent a contractual agreement
30 stating otherwise, that individual is deemed to be an employee of the
31 staffing agency.

32 (e) "Staffing agency" means any person undertaking with or without
33 compensation to procure opportunities to work or to procure, recruit,
34 refer, or place individuals with an employer or in employment.

35 (4) This section may not be construed to impair any provision in a
36 collective bargaining agreement.

1   NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
2   to read as follows:
3   (1) No county may require an employer to provide paid sick leave or
4   paid safe leave to an employee unless:
5   (a) The employer has a physical location within the jurisdiction;
6   and
7   (b) The employee works at or reports to a physical location of the
8   employer within the jurisdiction for at least eighty-five percent of
9   the hours worked for that employer in the current calendar year.
10   (2) This section applies to any ordinance, code, regulation, or
11   rule enacted on or after the effective date of this section, or in
12   effect on the effective date of this section.
13   (3) For purposes of this section:
14   (a) "Paid sick leave" means paid leave:
15   (i) Due to the employee's mental or physical illness, injury, or
16   health condition; need for medical diagnosis, care, or treatment of a
17   mental or physical illness, injury, or health condition; or need for
18   preventive medical care; or
19   (ii) To allow the employee to provide care of a family member with
20   a mental or physical illness, injury, or health condition; who needs
21   medical diagnosis, care, or treatment of a mental or physical illness,
22   injury, or health condition; or who needs preventive medical care.
23   (b) "Paid safe leave" means paid leave:
24   (i) Due to an employee's place of business, or the school or place
25   of care of an employee's child, being closed by order of a public
26   official to limit exposure to an infectious agent, biological toxin, or
27   hazardous material; or
28   (ii) Due to an employee or an employee's family member being a
29   victim of domestic violence, sexual assault, or stalking.
30   (c) "Employer" means any person who has one or more employees, or
31   the employer's designee or any person acting in the interest of such an
32   employer.
33   (d) "Employee" means any individual employed by an employer, and
34   shall include traditional employees, temporary workers, and part-time
35   employees. In the event that a temporary employee is supplied by a
36   staffing agency or similar entity, absent a contractual agreement
37   stating otherwise, that individual is deemed to be an employee of the
38   staffing agency.

1   (e) "Staffing agency" means any person undertaking with or without
2 compensation to procure opportunities to work or to procure, recruit,
3 refer, or place individuals with an employer or in employment.
4   (4) This section may not be construed to impair any provision in a
5 collective bargaining agreement.

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