

HOUSE BILL REPORT

ESHB 1875

As Passed Legislature

Title: An act relating to allowing the use of paid sick leave to prepare for or participate in certain immigration proceedings.

Brief Description: Allowing the use of paid sick leave to prepare for or participate in certain immigration proceedings.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Salahuddin, Thai, Taylor, Fosse, Paul, Bergquist, Bronoske, Kloba, Pollet, Street, Stonier, Parshley, Obras, Thomas, Hill, Doglio, Berry, Reed, Ramel, Gregerson, Scott, Cortes, Simmons, Peterson and Zahn).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/18/25, 2/19/25 [DPS].

Floor Activity:

Passed House: 3/6/25, 58-39.

Passed Senate: 4/15/25, 29-19.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Allows individuals to use their paid sick leave for judicial or administrative immigration proceedings under certain circumstances.
- Requires employers and transportation network companies to accept documents or written statements for verification that an individual is using paid sick time for an immigration proceeding.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by 6 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Bronoske, Obras and Ortiz-Self.

Minority Report: Do not pass. Signed by 3 members: Representatives Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; McEntire.

Staff: Benjamin McCarthy (786-7116).

Background:

Paid Sick Leave for Employees.

Washington's Paid Sick Leave Law requires employers to provide paid sick leave to employees. Employees must accrue at least one hour of paid sick leave for every 40 hours worked. Paid sick leave must be paid at the employee's normal hourly rate of compensation. An employee may use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of the employee's employment. If an employee does not use all available paid sick leave by the end of the accrual year, the employer must carry over balances of 40 hours or less to the next year.

Employees may use paid sick leave for absences resulting from: (1) the employee's mental or physical health needs, including for diagnosis, treatment, and preventative care; (2) care for an employee's family member's mental or physical health needs; (3) the closure of an employee's place of business by order of a public official for a health-related reason, or when an employee's child's school or place of care has been closed for a health-related reason; or (4) events that authorize leave under the Domestic Violence Leave Act.

If an employee is absent for more than three days, an employer may require verification that the employee is using paid sick leave for an authorized purpose. The request for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

Paid Sick Leave for Transportation Network Company Drivers.

The Paid Sick Leave Law requires similar paid sick leave for the drivers of transportation network companies (TNCs). Transportation network companies are entities that use a digital network to connect passengers with drivers to provide prearranged rides. Examples of TNCs are Uber and Lyft.

Drivers accrue one hour of paid sick time for every 40 hours of passenger platform time worked. Paid sick leave must be paid at the driver's average hourly rate of compensation. A driver may use accrued paid sick leave upon recording 90 hours of passenger platform time on the TNC's driver platform. If a driver does not use all available paid sick leave by the end of the accrual year, the TNC must carry over balances of 40 hours or less to the next year.

Drivers may use paid sick leave for the same reasons as employees. However, a TNC driver may also use paid sick leave for deactivation or other status that prevents the driver from performing network services on the TNC's platform, except in certain circumstances.

A TNC may only request verification of a driver's qualifying illness in the manner consistent with what is allowed for employers.

Summary of Engrossed Substitute Bill:

Paid Sick Leave for Employees.

Employees may use paid sick leave for absences resulting from the need to prepare for or attend judicial or administrative immigration proceedings involving the employee or the employee's family member.

If an employer requests verification for an absence exceeding three days, the employer must accept documentation from an advocate, attorney, member of the clergy, or other professional who is assisting the employee or the employee's family member in the proceeding. The provision of this document does not affect the confidential or privileged nature of communications as provided by law, between an employee or the employee's family member and the advocate, attorney, member of the clergy, or other professional. The employer must also accept an employee's written statement describing the employee or the employee's family member's involvement in a qualifying proceeding. The documentation or written statement must not disclose any personally identifiable information about an employee or an employee's family member's immigration status or underlying immigration protection.

Paid Sick Leave for Transportation Network Company Drivers.

Transportation network company (TNC) drivers may use paid sick leave for absences resulting from the need to attend judicial or administrative immigration proceedings involving the driver or the driver's family member.

A TNC may request verification for absences that exceed three days in the same manner allowed for employers. They must also accept a written statement describing the driver or the driver's family member's involvement in a qualifying proceeding.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Immigrant families face complex legal challenges. Immigration proceedings can be life changing for immigrant employees. Immigrant communities are facing new threats and members of these communities are seeking legal protection, but they may have to travel long distances to access protection. These workers have already earned sick leave; this just adds a reason they can use it for. This includes protections against employer retaliation and extends the reasonable verification process allowed for other types of leave. Allowing workers to use their paid sick and safe time for immigration related reasons increases equity and access to the legal system.

(Other) Retail is the fourth largest employer of immigrants and is passionate about supporting immigrants. But this should be placed under a different leave program, and there is a need for objective forms of verification.

Persons Testifying: (In support) Representative Osman Salahuddin, prime sponsor; Malou Chavez, Northwest Immigrant Rights Project; Danielle Alvarado, Fair Work Center; and Guillermo Zazueta, OneAmerica.

(Other) Rose Gundersen, WA Retail Association.

Persons Signed In To Testify But Not Testifying: None.