

RCW 50A.05.125 Continuity with prior law. (1) The provisions of chapter 49.78 RCW as they existed prior to January 1, 2020, apply to employee and employer conduct, acts, or omissions occurring on or before December 31, 2019, including but not limited to the enforcement provisions set forth in RCW 49.78.330 as they existed prior to January 1, 2020. Accordingly, a cause of action for conduct, acts, or omissions occurring on or before December 31, 2019, under chapter 49.78 RCW remains available within its applicable statute of limitations. As an exercise of the state's police powers and for remedial purposes, this subsection applies retroactively to claims based on conduct, acts, or omissions that occurred on or before December 31, 2019.

(2) The provisions of this title apply to employee and employer conduct, acts, or omissions occurring on or after January 1, 2020, including but not limited to the enforcement provisions set forth in RCW 50A.40.040. [2021 c 59 § 2.]

Intent—2021 c 59: "(1) Since enacted in 1989, chapter 49.78 RCW afforded employees the right to unpaid family and medical leave, to return to their jobs afterwards, and to enforce those rights. In 2017, the legislature passed Substitute Senate Bill No. 5975, creating the paid family and medical leave act to replace and enhance the existing unpaid family and medical leave laws.

(2) The passage of the paid family and medical leave act repealed chapter 49.78 RCW and replaced its provisions as a new title in Title 50A RCW. However, the passage of the paid family and medical leave act did not, and was not intended to, undermine any right, liability, or obligation existing under chapter 49.78 RCW prior to its repeal, or under any rule or order adopted under those statutes. Likewise, the passage of the paid family and medical leave act was not intended to affect any proceeding that had been, or could be, brought under the existing chapter 49.78 RCW relating to conduct, acts, or omissions occurring on or before December 31, 2019. To the contrary, the legislature incorporated the employment protections provisions of chapter 49.78 RCW wholesale into the new Title 50A RCW. Moreover, the legislature specifically delayed the effective date of the repeal of chapter 49.78 RCW by over two years after the effective date of the rest of the act, in part, in order to ensure that there would be continuity in the protections provided and rights available under chapter 49.78 RCW and its successor provisions in Title 50A RCW.

(3) The legislature intends to clarify that the passage of the paid family and medical leave act did not sever, impair, extinguish, or in any way affect the rights, liabilities, or obligations under chapter 49.78 RCW as it existed prior to January 1, 2020. A cause of action for conduct, acts, or omissions occurring on or before December 31, 2019, under chapter 49.78 RCW remains available within its applicable statute of limitations." [2021 c 59 § 1.]

Effective date—2021 c 59: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 16, 2021]." [2021 c 59 § 3.]