
Commerce & Labor Committee

SSB 5995

Brief Description: Regarding collective bargaining agreements in the construction trades.

Sponsors: Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford and Keiser).

Brief Summary of Substitute Bill

- Allows a collective bargaining agreement covering certain construction workers to modify meal and rest period rules of the Department of Labor and Industries.

Hearing Date: 3/26/03

Staff: Chris Cordes (786-7103).

Background:

Under the Washington Industrial Welfare Act (IWA), it is unlawful for an employer to employ workers under conditions of labor that are detrimental to their health. The Department of Labor and Industries (Department) is authorized to conduct investigations into employment conditions and to adopt rules establishing employment standards. Employers may apply for a variance from these rules for good cause.

The Department's rules governing rest and meal periods require a paid rest period of at least 10 minutes for each four hours of working time. The rules also specify that an employee may not be required to work more than three hours without a rest period.

Another provision of the IWA states that the law does not interfere with or diminish the right of employees to bargain collectively with their employers concerning wages or conditions of employment. This provision was at issue in a 2002 law suit brought by freight company employees covered by a collective bargaining agreement containing provisions inconsistent with the Department's rule. The Washington Supreme Court concluded that the IWA did not allow a collective bargaining agreement to decrease the frequency of workers' rest periods, especially without compliance with the statutory process for seeking a variance.

Summary of Bill:

The Department's rules for meal and rest periods may be modified by a collective bargaining agreement covering construction trade employees who work with hot asphalt or other materials or construction processes that do not allow for scheduled breaks, if the applicable collective bargaining agreement specifically prescribes rules concerning meal and rest periods.

Rules Authority: The bill does not provide authority for an agency to adopt rules.

Appropriation: None.

Fiscal Note: Not requested.

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