

SENATE BILL REPORT

SB 6307

As of January 28, 2014

Title: An act relating to state preemption of local employment laws and contracts.

Brief Description: Preempting local employment laws and contracts.

Sponsors: Senators Braun, Holmquist Newbry, Angel, Bailey, Becker and Honeyford.

Brief History:

Committee Activity: Commerce & Labor: 1/29/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Mac Nicholson (786-7445)

Background: Article XI, section 11 of the Washington Constitution allows counties, cities, and towns to make and enforce within its limits all local police, sanitary, and other regulations that are not in conflict with general laws. A state statute preempts a local ordinance on the same subject where the Legislature states its intention either expressly or by necessary implication to preempt the field.

The City of Seattle passed an ordinance in September 2011 that requires all employers operating within Seattle city limits to provide paid sick and safe leave to their employees. This ordinance took effect on September 1, 2012. It establishes minimum standards for businesses operating within Seattle city limits to provide paid sick and safe leave to their employees, and applies to businesses that are based in Seattle, as well as those that are based outside Seattle but have employees that perform work in Seattle.

At the November 2013 election, Proposition 1 was approved by the voters in the city of SeaTac. Proposition 1 established a variety of requirements for hospitality and transportation businesses in SeaTac, including a minimum wage standard of \$15 per hour, paid leave for sick and safe time, and other employment-related provisions. Pursuant to a recent King County superior court decision, Proposition 1 will not apply to affected employees at the airport and will apply only to hospitality and transportation employers who are not located at the airport.

Summary of Bill: The state preempts the entire field regarding wages, hours of work, employee retention, and leave from employment.

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

Cities, towns, counties, and port districts cannot require, enforce, or regulate payment of wages, hours of work, employee retention, or leave from employment through any:

- charter, ordinance, regulation, rule, or resolution; or
- contract including a purchase agreement.

The preemption applies to all charters, ordinances, regulations, rules, and resolutions for private employers adopted before or after the effective date of the legislation; and it applies to all contracts entered into after the effective date of the legislation. The preemption created in the legislation must be broadly construed, and does not impair any provision of a collective bargaining agreement in effect as of the effective date of the legislation.

Cities, towns, counties, and port districts may implement laws, ordinances, directives, contracts, or policies that affect only its own employees.

The term leave from employment includes sick, vacation, and holiday leave; leave when an employee's place of business or child's school or place of care has been closed by order of a public official; and any other type of employee leave except leave for domestic violence, sexual assault, or stalking.

Employee retention means offering work to or retaining employees following a business succession.

Language in the Minimum Wage Act allowing local laws or ordinances to establish wages, hours, or other working conditions above the minimum standards is removed.

Language in the family leave statutes allowing local laws to provide greater family or medical leave than state law is removed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.