

FINAL BILL REPORT

SB 5233

C 236 L 19
Synopsis as Enacted

Brief Description: Creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements.

Sponsors: Senators Keiser and Conway.

Senate Committee on Labor & Commerce
House Committee on Labor & Workplace Standards

Background: Initiative 1433 was adopted by a vote of the people in 2016. The initiative included provisions raising the minimum wage and established a new requirement for employers to provide paid sick leave.

Paid Sick Leave. Every employer must provide paid sick leave to each of its employees. Each employee accrues at least one-hour of paid sick leave for every 40 hours worked.

An employee may use paid sick leave for the following reasons:

- an absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;
- when the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason; and
- for absences that qualify for leave under the state's existing Domestic Violence Leave Act.

An employee is entitled to use accrued paid sick leave beginning on the 90th day after starting their employment. Unused paid sick leave carries over to the following year; however, an employer is not required to allow an employee to carry over more than 40 hours of sick leave.

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.

Referral Union Programs. State unemployment insurance law requires individuals who receive unemployment benefits to actively look for work using customary trade practices. In some trades, labor unions refer members to job openings. Being a member of a union that has been approved by the Employment Security Department (ESD) for the referral union program satisfies the job search requirement for unemployment insurance purposes.

Under ESD rule, for a union to be eligible to join the referral union program:

- the union must have a constitution, bylaws, or working rules that prohibit its members from seeking work in the industry on their own; or
- at least 50 percent of the union members eligible for referral who received a job during the most recent completed year did so through referral by the union.

Summary: Paid sick leave requirements do not apply to construction workers covered by a collective bargaining agreement (CBA) if:

- the union signatory to the CBA is an approved referral union program;
- the CBA provides for sick leave benefits that are equivalent to those provided under state law; and
- the CBA expressly waives the paid sick leave requirements.

Equivalent sick leave must meet the requirements in state law, except that the payment of leave may occur before usage.

Votes on Final Passage:

Senate	48	0	
House	92	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2019