

HOUSE BILL REPORT

HB 1475

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to conditions of employment.

Brief Description: Revising provisions on conditions of employment.

Sponsor(s): Representatives G. Fisher, Ebersole, Heavey, R. King, Cole, Dorn, Hine, Leonard, Valle, Rasmussen, Phillips, Jones, Hargrove, Brekke, Pruitt, Sprenkle, Wang, Dellwo, Orr, Nelson, Spanel, Prentice, O'Brien and Wineberry.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 14, 1991, DPS.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *That Substitute House Bill No. 1475 be substituted therefor, and the substitute bill do pass.*
Signed by 7 members: Representatives Heavey, Chair; Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; and Prentice.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Vance; and Wilson.

Staff: Chris Cordes (786-7117).

Background: Under Washington's minimum wage and overtime compensation law and the federal Fair Labor Standards Act, most employees are entitled compensation at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in a work week. Employers are not prohibited from requiring employees to work more than 40 hours in a work week.

Summary of Substitute B Bill:

Overtime work

Unless a variance is granted, no employer may require an employee to work more than eight hours a day or 40 hours a

week, except that employees on work schedules of four 10-hour days in a work week may be required to work up to 10 hours a day. Voluntary overtime is permitted.

An employer may petition the Department of Labor and Industries for a variance from the hours of work requirements. Eighty percent of the employees in the affected work unit must agree. The proposal may not require employees to work more than 12 hours in a day or more than an average of 42 hours over four work weeks. The variance must be approved at least annually by the employees. Supervisors may not vote.

Exemptions

The coverage of the overtime law is changed by including employees in packing, packaging, grading, commercial canning or freezing, or delivering agricultural commodities.

The new overtime prohibitions do not apply to employers who employ fewer than 25 individuals, employees exempt from the current minimum wage and overtime law, employees in fire protection or law enforcement activities, or to work performed in emergencies, including transporting patients during medical emergencies.

Discrimination remedies

An employee may bring an action against an employer if the employer discharges or otherwise discriminates against the employee for exercising his or her rights under the new overtime requirements.

Application to collective bargaining agreements

The new overtime prohibitions do not apply to employees covered by an unexpired collective bargaining agreement that conflicts with the prohibitions until the expiration of the agreement.

Substitute Bill Compared to Original Bill: A provision is added to the substitute bill that permits employers to petition the Department of Labor and Industries for a variance from the requirement that employees may not be required to work more than an eight hour work day or a 40-hour work week.

The computation of overtime pay for fire fighters and law enforcement personnel is changed to be consistent with federal requirements. An exemption from the overtime prohibition is added for emergency medical care, including transporting patients for emergency medical care.

Language is added to clarify that an employer may not discriminate against an employee for his or her participation in a variance petition vote.

Fiscal Note: Requested January 26, 1991.

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

Testimony For: The requirement for premium pay for overtime work no longer is a sufficient disincentive to reduce the demand for overtime work. As a result, worker are injured on the job and family life suffers. Employers seem unable or unwilling to correct the problems associated with overtime work demands. Workers should have some control over their hours of work. Lack of planning for overtime is especially difficult for single parents. Since many seasonal industries now store the product before it is processed, there is no need to demand overtime work.

Testimony Against: Operations that must work around the clock or that have production schedules to meet cannot depend on voluntary overtime to function. Many employees like to have longer work shifts to allow for longer periods of time off. Seasonal industries are particularly vulnerable to the problems that could be caused by voluntary overtime. Employers might be required to use more part time workers to keep flexibility in the workforce.

Witnesses: (in favor) Larry Kenney, Washington State Labor Council; Don Grinde; John Parks; Aloreia Smith; Susan Wilburn; Donna Smith; Fred Miner; Tom Baker, Aerospace Machinists; Joe Wilder, Communication Workers of America; Brent Knott, Association of Western Pulp and Paper Workers; and Don Heyrich, Amalgamated Transit Union. (opposed) Bill Kelley; Carl Fitch; Tom McCombs; Ray Bowles; Mike Loggins; Jim Cameron, Great Western Malting Company; Bob Lawton; Milton Grover, Boeing Company; John L. Brown, Texaco; Linda Matson, National Federation of Independent Business; Jan Gee, Washington Retail Association; Clif Finch, Association of Washington Business; Gary Smith, Independent Business Association; Karma Reavis; Debbie Thomas; Lisa Duz; Diane Sims; and Marty Sangster, Washington Trucking Association.