

# FINAL BILL REPORT

## SSB 5995

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C 146 L 03  
Synopsis as Enacted

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

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

**Senate Committee on Commerce & Trade**  
**House Committee on Commerce & Labor**

**Background:** The Washington Industrial Welfare Act prohibits the employment of any person in any industry or occupation under conditions of labor that are detrimental to his or her health and at wages that are not adequate for his or her maintenance. RCW 49.12.187 provides that the act shall not be construed to interfere with the right of employees to collectively bargain concerning wages or conditions of employment.

In 2002, the Washington Supreme Court issued a decision in *Wingert v. Yellow Freight Systems, Inc.*, 146 Wn. 2d 841 (2002). Employees of Yellow Freight had a collective bargaining agreement requiring a 15-minute break after two hours of overtime work. No breaks were provided for less than two hours of overtime work.

Section 296-126-092(4) of the Washington Administrative Code prohibits employees from working longer than three consecutive hours without a paid rest period. The employees of Yellow Freight asserted that the administrative code provision required a ten-minute break during the first two hours of an overtime assignment.

The court concluded that state law creates minimum standards and the collective bargaining agreement may only enhance or exceed those minimum standards.

**Summary:** The terms of a collective bargaining agreement may supersede rules adopted under the Industrial Welfare Act regarding meal periods and rest periods. The collective bargaining agreement must only apply to construction workers and must be negotiated under the National Labor Relations Act.

**Votes on Final Passage:**

Senate	46	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 27, 2003