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**SENATE BILL 5233**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Keiser and Conway

AN ACT Relating to creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements; adding a new section to chapter 49.46 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that Initiative 1433 is a good law approved by the voters to establish sick leave benefits for workers. The law creates necessary worker protections while simultaneously reducing the spread of communicable sickness and disease and addressing other public health and safety concerns.

However, the legislature finds that this new law does not provide for flexibility and portability of benefits for construction workers who may work for multiple employers and who already negotiate wages and benefits with their employers. Workers covered under a collective bargaining agreement for the construction industry should be allowed the ability to negotiate comparable benefits that ensures that eligibility can be achieved and that the benefits are portable from employer to employer.

NEW SECTION. **Sec.**  A new section is added to chapter 49.46 RCW to read as follows:

(1) The sick leave provisions of RCW 49.46.200 through 49.46.830 shall not apply to workers covered by a bona fide collective bargaining agreement, provided:

(a) The union signatory to the collective bargaining agreement is an approved referral union program authorized under RCW 50.20.010 and in compliance with WAC 192-210-110; and

(b) The collective bargaining agreement establishes provisions for sick leave that meet or exceed the benefits provided under RCW 49.46.200 through 49.46.830 and the rules adopted by the department of labor and industries; and

(c) The requirements of RCW 49.46.200 through 49.46.830 are expressly waived in the collective bargaining agreement in clear and unambiguous terms or in an addendum to an existing agreement including an agreement that is open for negotiation provided the sick leave portions were previously ratified by the membership.

(2) Upon ratification of a collective bargaining agreement that meets the requirements specified in subsection (1) of this section, the signatory union shall submit a copy to the department of labor and industries.

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