
Labor & Workplace Standards Committee

SB 5725

Brief Description: Clarifying the application of the industrial welfare act and minimum wage act to airline cabin crews.

Sponsors: Senators Keiser, Conway, Nguyen and Valdez.

Brief Summary of Bill

- Excludes cabin crew employees covered by certain collective bargaining agreements from meal and rest break and wage payment interval requirements of the Industrial Welfare Act.
- Specifies that for any legal action for meal and rest break violations prior to the effective date of the bill, cabin crew employees may not collect fees, fines, or penalties, and only named plaintiffs may recover damages.
- Provides that certain hours worked by cabin crew employees covered by collective bargaining agreements are excluded from overtime pay requirements.

Hearing Date: 3/24/23

Staff: Trudes Tango (786-7384).

Background:

Rest and Meal Breaks.

Under the Industrial Welfare Act (IWA) and subject to certain exceptions, employees must generally be allowed paid rest periods of at least 10 minutes for every four hours worked, and at least 30 minutes for a meal period for every five hours worked. The IWA may not interfere with

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the right of employees to bargain collectively regarding standards and conditions of employment. Rules adopted under the IWA regarding rest and meal periods may be superseded by collective bargaining agreements (CBA) for construction trades employees and public employees, if the CBAs specifically requires rest and meal periods.

Pay Intervals.

An employer must pay all wages owed to an employee on an established regular payday at no longer than monthly payment intervals. If an employer pays wages on the basis of a pay period that is less than a month, the employer must establish a regular payday no later than 10 calendar days after the end of the pay period unless expressly provided otherwise by law.

Minimum Wage Act.

The Minimum Wage Act (MWA) establishes a statewide minimum hourly wage and requires overtime pay for certain workers working over 40 hours in a workweek.

Railway Labor Act.

The Railway Labor Act (RLA) establishes procedures governing the collective bargaining between carriers and their employees and provides for resolution of disputes. Airline carriers are included under the RLA.

Summary of Bill:

The requirements to provide meal and rest periods under a statute, regulation, ordinance, standard, or order under the IWA does not apply to any cabin crew employee covered by a CBA under the RLA, if the CBA provides for rest and opportunities to eat while not interfering with federal safety duties.

In any legal action by or on behalf of cabin crew asserting claims for alleged violations occurring prior to the effective date of the bill, there is no right to collect fees, fines, or penalties, and only cabin crew members who are plaintiffs in the action have a right to recover damages. Such claims may not be pursued on a collective basis or certified class basis.

Any wage payment interval requirement under a statute, regulation, ordinance, standard, or order under the IWA does not apply to any cabin crew employee covered by a CBA under the RLA. This exemption is retroactive to the date an employee became covered by the CBA.

The overtime pay requirement under the MWA does not apply to any hours worked by cabin crew employees covered by a CBA under the RLA that contains provisions for certain hours or days involuntarily worked in excess of scheduled work to be paid at a premium pay at no less than 1.5 times the contractual pay rate. This exemption applies retroactively to the date that the employee became covered by the CBA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.