

# FINAL BILL REPORT

## ESSB 5111

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C 267 L 23  
Synopsis as Enacted

**Brief Description:** Concerning payments for accrued and unused sick leave for certain construction workers.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Conway, Kuderer, Randall and Robinson).

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

**Background:** Paid Sick Leave. Every employer must provide each of its employees at least one hour of paid sick leave for every 40 hours worked as an employee. An employee is entitled to use accrued paid sick leave beginning on the 90th calendar day after the commencement of employment.

Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of 40 hours. An employer is not required to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within 12 months by the same employer, previously accrued unused paid sick leave must be reinstated and the previous period of employment counts for determining the employee's eligibility to use paid sick leave.

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 establishes equivalent paid leave provisions; and
- the CBA expressly waives the sick leave requirements established by law.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** Workers covered under the North American Industry Classification System code for construction, except for residential construction, that have not met the 90-day sick leave eligibility threshold at the time of separation must be paid the balance of their accrued and unused sick leave. Payment must be made at the end of the established pay period following the worker's separation.

**Votes on Final Passage:**

Senate	48	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** January 1, 2024