

FINAL BILL REPORT

SB 5979

C 39 L 24
Synopsis as Enacted

Brief Description: Concerning accrued leave for construction workers.

Sponsors: Senators Keiser, Conway, Saldaña, Randall, Kuderer, Liias, Kauffman, Van De Wege, Hasegawa, Nobles, Valdez and Wilson, C..

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.

Accrued and unused paid sick leave carries over to the following year, except 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.

For workers covered under the North American industry classification system industry code 23—construction industry, except for code 236100—residential building construction, who have not met the 90th day eligibility at the time of separation, the employer must pay the former worker the balance of their accrued and unused paid sick leave at the end of the established pay period following the worker's separation.

Exceptions for Construction Workers Under a Collective Bargaining Agreement. Paid sick leave requirements do not apply to construction workers covered by a collective bargaining agreement (CBA) if:

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- 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 in clear and unambiguous terms or in an addendum to an existing agreement including an agreement open for negotiation provided the sick leave portions were previously ratified by the membership.

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

Summary: For purposes of the requirement to pay construction workers their accrued and unused sick leave if they have not met the 90-day eligibility, the term construction worker means a worker who performed service, maintenance, or construction work on a jobsite, in the field, or in a fabrication shop using the tools of the worker's trade or craft.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: March 13, 2024