

# HOUSE BILL REPORT

## SB 6220

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### As Reported By House Committee On:

Commerce & Labor  
Transportation Policy & Budget

**Title:** An act relating to the ability of employees in the airline industry to trade shifts voluntarily without creating overtime liability.

**Brief Description:** Allowing airline employees to trade shifts without overtime pay.

**Sponsors:** Senators Horn, Heavey, Schow, Fraser, Anderson, Franklin, Newhouse, Winsley and Patterson.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/18/98, 2/26/98 [DP];  
Transportation Policy & Budget: 3/2/98 [DPA].

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 7 members: Representatives McMorris, Chairman; Honeyford, Vice Chairman; Conway, Ranking Minority Member; Wood, Assistant Ranking Minority Member; Boldt; Hatfield and Lisk.

**Staff:** Selwyn Walters (786-7117).

**Background:** The overtime provisions of the federal Fair Labor Standards Act (FLSA) require an employer to pay an employee who works more than 40 hours in a work week not less than one and one-half times the employee's regular rate of pay. An employee of an air carrier that is subject to the provisions of the federal Railway Labor Act is exempt from the federal overtime law.

The overtime provisions of the state Minimum Wage Act require an employer to pay an employee one and one-half times the employee's regular rate of pay for any hours over 40 hours in a work week. The law exempts several categories of employment, but does not refer to employees of an air carrier.

**Summary of Bill:** The overtime provisions of the state Minimum Wage Act (MWA) do not apply to employees of air carriers if the employees work according to a shift trading

practice under which they have the opportunity of voluntarily offering a shift for trade or reassignment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill will allow the long-standing practice in the airline industry of shift trading among employees to continue. Shift trading motivates employees and allows them to meet their personal needs without affecting their paid leave. Management supports shift trading because employees are always available to cover all work stations. Management and labor agree that shift trading should continue.

**Testimony Against:** None.

**Testified:** (pro) Senator Jim Horn; Meg Curnutt, Ken Tank, Tom McManus, Jim Brendel, & Alan Wayne, United Airlines; Stephen Stanczyk, Janet Clark, and Tom O'Grady, Alaska Airlines; and Clif Finch, Association of Washington Business.

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## HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Backlund; Buck; Cairnes; Chandler; DeBolt; Johnson; McCune; Radcliff; Robertson; Skinner; Sterk and Zellinsky.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Constantine; Gardner; Hatfield; Murray; O'Brien; Ogden; Romero; Scott and Wood.

**Staff:** Paul Neal,(786-7315).

**Summary of Recommendation of Committee on Transportation Policy & Budget Compared to Recommendation of Committee on Commerce & Labor:** The exemption from the MWA for truck and bus drivers who receive wages under a compensation system that is adjusted to account for overtime is amended to clarify that an hourly wage system constitutes a "compensation system" under the statute.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The long-standing practice in the airline industry of shift trading among employees is allowed to continue. Shift trading motivates employees and allows them to meet their personal needs without affecting their paid leave. Management supports shift trading because employees are always available to cover all work stations. Management and labor agree that shift trading should continue.

**Testimony Against:** None.

**Testified:** Senator Jim Horn, prime sponsor; Meg Curnutt, United Airlines; Stephen Stanczyk, Alaska Airlines; Tony Thein, Holland-America Airlines; and Terry Brady, United Airlines.