

SENATE BILL REPORT

ESB 5726

As Passed Senate, March 11, 2013

Title: An act relating to geographic limitations on local paid sick leave and paid safe leave programs.

Brief Description: Placing geographic limitations on local paid sick leave and paid safe leave programs.

Sponsors: Senators Braun, Tom, Bailey, Schoesler, Padden and Benton.

Brief History:

Committee Activity: Commerce & Labor: 2/20/13, 2/22/13 [DP, DNP].
Passed Senate: 3/11/13, 29-20.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

Minority Report: Do not pass.

Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Staff: Edith Rice (786-7444)

Background: The City of Seattle passed an ordinance in September 2011 that requires all employers operating within Seattle city limits to provide paid sick and safe leave to their employees. This ordinance took effect on September 1, 2012. It establishes minimum standards for businesses operating within Seattle city limits to provide paid sick and safe leave to their employees. Minimum standards include accrual, use, and carryover of paid sick and safe leave. Employers with five or more full-time equivalent employees (FTEs) must provide paid sick and safe leave to employees. An employer's specific obligations may vary depending upon how many FTEs they have. The ordinance applies to businesses that are based in Seattle, as well as those that are based outside Seattle but have employees that perform work in Seattle.

Summary of Engrossed Bill: A local jurisdiction such as a city, town, code city, or county cannot require an employer to provide paid sick or safe leave to employees unless the employer is physically located within the jurisdiction and only applies to an employee who works at a physical location of the employer within the jurisdiction for at least 85 percent of

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the hours worked for that employer in the current calendar year. This applies to a local jurisdiction's laws enacted on or after the effective date of this provision or in effect on the effective date of this provision. Paid sick leave includes leave used for an employee's illness or injury, and care of a family member. Paid safe leave includes leave used for a school or work closure as the result of a public safety hazard or for reasons related to domestic violence. Employer, employee, and staffing agency are defined.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: We should limit the influence of Seattle in this area. The current law is burdensome, and forces us to treat some employees differently because they travel to Seattle. This is a matter of fairness, small businesses should not be forced to do burdensome recordkeeping. The mechanics of the Seattle law are problematic. There should be a limit on what local government can do. Seattle put out their unwelcome mat. Compliance is daunting; the Seattle ordinance is not seen as business friendly. This should be done on a national level.

CON: We support the measures that Seattle adopted. This should be the standard that all others meet. We should provide access to leave for all employees, not just some. This is disrespectful to what was accomplished in Seattle. Don't take away what we worked so hard to accomplish.

OTHER: Washington should not follow in Seattle's footsteps.

Persons Testifying: PRO: Mark Johnson, WA State Retail Assn.; Kris Tefft, Assn. of WA Business; Steve Neighbors, Terra Staffing Group; Holly Chisa, NW Grocers Assn.; Patrick Connor, National Federation of Independent Business; Larry Pursley WA Trucking Assn.; Scott Dilley, WA Farm Bureau; George Allen, Greater Seattle Metro Chamber of Commerce; Michael Transue, Tacoma/Pierce County Chamber of Commerce, Pierce County Security Services; Patti Mullen, Federal Way Chamber of Commerce.

CON: Sarah Cherin, United Food and Commercial Workers International Union 21; Boris Popovic, Main Street Alliance; Robin Flemming, WA State Nurses Assn.; Nick Licata, City of Seattle; Grace Huang, Washington State Coalition Against Domestic Violence; Lynne Dodson, WA State Labor Council; Janet Chung, Legal Voice; Candice Humphill, Maria Velez, citizens.

OTHER: Erin Shannon, WA Policy Center; Trent England, Freedom Foundation.