

SENATE BILL REPORT

SB 5728

As Reported by Senate Committee On:
Commerce & Labor, February 20, 2013

Title: An act relating to state preemption of local paid sick and paid safe leave regulation.

Brief Description: Declaring state preemption of local paid sick and paid safe leave regulation.

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

Brief History:

Committee Activity: Commerce & Labor: 2/20/13 [DP, DNP].

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 Bill: Washington State law preempts any local government regulation regarding paid sick leave and paid safe leave. Local government regulations addressing paid sick leave or paid safe leave that exceed standards set by the state are unenforceable.

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

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 school or work closure as the result of a public safety hazard or for reasons related to domestic violence.

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: This should be done on a statewide basis, not locally. It is not fair to force employers not located in Seattle to comply. Limit the influence of Seattle. We have some employees treated differently because they travel to Seattle. The Seattle law was done in a patchwork approach, and it will hinder job creation especially for smaller employers. Sick leave does not work for the construction industry, work is intermittent. We support pre-emption.

CON: We should provide benefits for all employees. We support what Seattle has done. This bill is disrespectful of what Seattle has accomplished. This will take away the law we fought so hard to accomplish. Smaller restaurants supported the Seattle law. Do not allow large corporations to change Seattle law. Reject this measure, all workers deserve paid leave protections.

OTHER: Compliance with the Seattle law is difficult. Costs are staggering. Safety supports are there for a reason.

Persons Testifying: PRO: Mark Johnson, WA Retail Assn.; Kris Tefft, Assn. of WA Business; Steve Neighbors, Terra Staffing Group; Patrick Connor, National Federation of Independent Business; Scott Dilley, Jeffy VanderWood Assn.; Elizabeth Heile, Michael Transue, Pierce County Security Services.

CON: Sarah Cherin, United Food and Commercial Workers Local 21; Boris Popovic, Main Street Alliance; Robin Flemming WA State Nurses Assn.; Nick Licata, City of Seattle Council; 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 Foundations.