
**Labor & Workplace Standards
Committee**

SB 5233

Brief Description: Creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements.

Sponsors: Senators Keiser and Conway.

Brief Summary of Bill

- Exempts workers covered by a collective bargaining agreement (CBA) from paid sick leave requirements if the CBA meets certain criteria, including meeting or exceeding the sick leave benefits provided under state law.

Hearing Date: 3/18/19

Staff: Lily Smith (786-7175).

Background:

Paid Sick Leave Requirements.

Initiative 1433 was adopted by a vote of the people in 2016. The initiative included provisions raising the minimum wage and a new requirement for an employer to provide to each of its employees paid sick leave.

An employee may use paid sick leave for the following reasons:

- for oneself, or to care for a family member, due to: a mental or physical illness, injury, or health condition; the need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or a need for preventative medical care;
- when the employee's workplace or child's school or place of care has been closed by a public official for any health-related reason; and
- for absences that qualify for leave under the Domestic Violence Leave Act.

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.

Among other requirements, each employee accrues at least one-hour of paid sick leave for every 40 hours worked and is entitled to use the leave beginning on the 90th day after starting employment. Unused paid sick leave carries over to the following year, but the amount carried over may be limited to 40 hours.

The Department of Labor and Industries (L&I) has adopted rules implementing the paid sick leave requirements.

Approved Union Referral Programs.

Unemployment insurance law requires individuals who receive unemployment benefits to actively look for work using customary trade practices. In some trades, labor unions refer members to job openings.

The Employment Security Department (ESD) approves unions that meet certain criteria under the referral union program. An individual that is a member of an approved union under the program and that meets certain requirements set by ESD satisfies the job search requirements for unemployment insurance purposes.

Summary of Bill:

Paid sick leave requirements do not apply to workers covered by a bona fide collective bargaining agreement (CBA) if:

- the union signatory to the CBA is an approved referral union program;
- the CBA provides for sick leave benefits that meet or exceed those provided under state law; and
- the CBA expressly waives the paid sick leave requirements.

A signatory union to a CBA that meets the above criteria must submit a copy of the CBA to the L&I.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.