
SENATE BILL 5233

State of Washington

66th Legislature

2019 Regular Session

By Senators Keiser and Conway

Read first time 01/16/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to creating an alternative process for sick leave
2 benefits for workers represented by collective bargaining agreements;
3 adding a new section to chapter 49.46 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that Initiative 1433
7 is a good law approved by the voters to establish sick leave benefits
8 for workers. The law creates necessary worker protections while
9 simultaneously reducing the spread of communicable sickness and
10 disease and addressing other public health and safety concerns.

11 However, the legislature finds that this new law does not provide
12 for flexibility and portability of benefits for construction workers
13 who may work for multiple employers and who already negotiate wages
14 and benefits with their employers. Workers covered under a collective
15 bargaining agreement for the construction industry should be allowed
16 the ability to negotiate comparable benefits that ensures that
17 eligibility can be achieved and that the benefits are portable from
18 employer to employer.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.46
20 RCW to read as follows:

1 (1) The sick leave provisions of RCW 49.46.200 through 49.46.830
2 shall not apply to workers covered by a bona fide collective
3 bargaining agreement, provided:

4 (a) The union signatory to the collective bargaining agreement is
5 an approved referral union program authorized under RCW 50.20.010 and
6 in compliance with WAC 192-210-110; and

7 (b) The collective bargaining agreement establishes provisions
8 for sick leave that meet or exceed the benefits provided under RCW
9 49.46.200 through 49.46.830 and the rules adopted by the department
10 of labor and industries; and

11 (c) The requirements of RCW 49.46.200 through 49.46.830 are
12 expressly waived in the collective bargaining agreement in clear and
13 unambiguous terms or in an addendum to an existing agreement
14 including an agreement that is open for negotiation provided the sick
15 leave portions were previously ratified by the membership.

16 (2) Upon ratification of a collective bargaining agreement that
17 meets the requirements specified in subsection (1) of this section,
18 the signatory union shall submit a copy to the department of labor
19 and industries.

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