



# Legislative UPDATE

A weekly report from the Washington State Labor Council, AFL-CIO



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## Dead or alive... still wanted

Wednesday's cutoff deadline passed with a few significant victories, including Senate passage of an amended Family Leave Insurance bill. But there were also some major disappointments, including the failure of the Worker Freedom Act to get a House vote. Some of the bills that missed cutoff and are technically considered dead can still be revived through extraordinary procedural means or by being incorporated into the budget. Those that won't be revived—particularly the Worker Freedom Act described below—will remain priorities for organized labor for next session and we look forward to working with Democratic leaders to make sure they get a vote in 2008.

Following is a summary of some of the legislation supported by the Washington State Labor Council, and its status:

### ALIVE: Bills that survived cutoff

**SB 5373** (Sponsor: Kohl-Welles) — These bills address employer **Unemployment Insurance fraud and excess socialized costs**. They would also close the Professional Employee Organization loophole by requiring their clients to maintain their own UI experience ratings.

*SB 5373 passed the Senate 36-11 and will be heard in House Commerce & Labor at 1:30 p.m. on Tuesday, Mar. 20.*

**SB 5659** (Keiser) — **Family and Medical Leave Insurance** granting up to five weeks of paid leave of \$250 a week so workers can deal with a family member's serious illness or the birth or adoption of a child, financed by a 2-cents-an-hour payroll tax on workers, or \$40 a year. Before passage, it was amended on the Senate floor to stipulate that, although all workers are entitled to receive the benefit regardless of the size of their employer, only businesses with more than 25 employees are required to provide job protection (meaning the workers who take paid leave must be returned to their previous jobs and wages). In addition, the amendment removed coverage for the worker's own health conditions, which some argued should be covered by employer-provided sick leave instead.

*SB 5659 passed the Senate 32-17. (Democrats in bold.)*

*YES: Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen,*

*Regala, Roach, Rockefeller, Shin, Spanel, Tom, and Weinstein. NO: Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, and Zarelli.*

*SB 5659 will be heard in House Commerce & Labor at 1:30 p.m. Tuesday, Mar. 20.*

**SB 5675** (Franklin) — **Increasing minimum benefits paid to injured workers** to the same standard used in the Unemployment Insurance system, which is 15% of the state's average monthly wage but no greater than 100% of the injured workers' wages. Minimum benefits were last increased in 1969.

*ESB 5675 passed the Senate 37-8 and will be heard in House Commerce & Labor at 8 a.m. Thursday, Mar. 22.*

**SB 5676** (Keiser) — Disallows an employer from forcing workers to take their sick leave when they are "**kept on salary**" for purposes of workers' compensation. "Kept on salary" status allows employers a premium break since no time-loss payments are recorded, and therefore the employer should pay the worker's full salary not some portion of it.

*ESB 5676 passed the Senate 31-15 and will be heard in House Commerce & Labor at 8 a.m. Thursday, Mar. 22.*

**SB 5920** (Kohl-Welles) and **HB 2073** (Conway) — Establishing a pilot program for **vocational rehabilitation reform** in our workers' compensation system.

*SB 5920 passed the Senate 42-4 and will be heard in House Commerce & Labor at 8 a.m. Thursday, Mar. 22. HB 2073 passed the House 85-13.*

**SB 5926** (Kohl-Welles) — A measure to create a task force to **study the impact of the underground economy** in the construction industry in Washington state. The task force will investigate the impact of this illegal part of the economy on workers' health and safety and employment standards as well as tax evasion from state obligations.

*SB 5926 passed the Senate 45-0 and had a public hearing today in House Commerce & Labor.*

**HB 1244** (Conway) — The **Workers' Compensation Hour Bank** bill creates parity between injured construction

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workers and all other injured workers in Washington state by applying the 2000 *Cockle* Supreme Court decision uniformly to all workers. If health care contributions to a worker's hour bank stops during the time an injured worker is off work, then the value of that health care contribution is added to the worker's time loss payment.

*HB 1827 passed the House 64-32 and is in the Senate Labor & Commerce Committee.*

**HB 2010** (Haigh) — Creating **responsible bidder criteria** for public works contracts. This will improve public works and provide consistency by ensuring bidders are licensed, certified and registered with the state, are providing workers' compensation coverage for their employees, and making contractors responsible for ensuring the same of subcontractors.

*HB 2010 passed the House 76-21 and will be heard in Senate Labor & Commerce at 3:30 p.m. Thursday, Mar. 22.*

**HB 2111** (Williams) — A bill granting **collective bargaining rights for adult family home providers**. These are small-business owners providing residential assisted living so elderly and disabled adults can live with dignity in a family-like atmosphere with as much independence as possible. Providers depend on state reimbursements that leave them underpaid.

*HB 2111 passed the House 80-16.*

## DEAD: Bills that failed to get a vote

**Worker Freedom Act** (Sells) — What began as the Aerospace Incentive Accountability Act eventually evolved into legislation covering all employers, giving workers the freedom to choose whether they want to attend their employers' so-called "captive audience" meetings about unionization. Employees should not be forced -- under threat of loss of their livelihoods -- to attend meetings where they are subjected to indoctrination by their employer on issues unrelated to their work or job performance. This new legislation, the Worker Freedom Act, would allow employers to conduct such meetings but would allow workers to walk away if they so choose.

Although there was strong support for the concept of tying the \$3.2 billion in aerospace tax breaks to some form of union neutrality among the Boeing contractors that receive the subsidy, some lawmakers were concerned about targeting a specific industry. But with time running out before Wednesday's cutoff deadline, Democratic legislative leaders said they would try to keep the issue alive by passing a "intent-language" bill in the House, and that bill could later be amended with the Worker Freedom Act policy language in the Senate. Such procedural maneuvers, while messy, are not without precedent, especially on bills of particular importance to legislative leaders.

It is extremely disappointing that neither HB 2383 (Worker Freedom Act) nor HB 2387 (the intent bill) was brought to the floor Wednesday for a vote. It is particularly disappointing since one of the workers who testified on an earlier version of the bill was fired by his company when he returned to his job. We will deal with this in the courts, but it's symptomatic of the problems workers face when they try to organize or even speak in public about tactics employers use to defeat union organizing drives.

We want to thank Rep. Mike Sells, the prime sponsor of the bill, and Rep. Tami Green for their efforts to get a floor vote on one of these bills. We will continue to work with them and with legislative leadership and the Governor on this issue.

**SB 5772** (Kohl-Welles) and **HB 1913** (Conway) — The **Majority Rule** bills for state employee union certification would have eliminated the cost and time associated with the regulatory practice of certifying unions. If a majority of the employees of a state agency sign cards indicating they want union representation, the union would be certified by the PERC.

*These companion bills both died without floor votes.*

**HB 1503** (Conway) — The **Injured Workers Medical Rights** bill restructuring the Independent Medical Examination system to allow attending physicians to make referrals before sending an injured worker to an IME, stipulating qualifications for doctors serving on IMEs, and providing adequate response time for physicians to comment on IME results.

*HB 1503 died in the House without a vote.*

**HB 1827** (Santos) — This would require that the governor submit, along with the biennial budget proposal, a **tax expenditure report** listing all tax expenditures (exemptions) given out by the state and a recommendation on whether to continue those exemptions that are scheduled to sunset. This information is essential for legislators—and taxpayers—to make informed decisions about what our state's budget priorities should be.

*HB 1827 died in the House without a vote.*

**HB 2019** (McDermott) — Requiring public initiative petitions to have **signature declarations** to be signed by petitioners in order for those petitions to be valid. This clarifies legislation previously enacted to enable state officials to identify and potentially prosecute people who commit fraud by deliberately falsifying petitions.

*HB 2019 died in the House without a vote.*

**HB 2106** (Kenney) — A bill to strengthen the ability of the Department of Labor and Industries to **deny licenses to contractors with a record of serious legal violations**, prohibit exorbitant recruitment fees, and require sufficient bonding so that workers are not stranded in Washington state. It is an extreme disappointment after two years of work on this bill to see no real commitment to bring the bill out of the House in an acceptable form to protect farm workers and honest growers.

*HB 2106 died in the House without a vote.*