



# Legislative UPDATE



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



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## Pass family leave—not the buck!

Washington workers are another step closer to achieving Family and Medical Leave Insurance (FMLI) to help balance their family and work lives. Approved by the Senate on a 32-17 vote, SB 5659 passed the House Commerce and Labor Committee on Friday and advances to the Appropriations Committee.

SB 5659 would provide all Washington workers with partial pay for up to five weeks at a stipend of \$250 a week (prorated for part-timers) when they must deal with a serious illness for a family member, including domestic partners, or the birth or adoption of a child. The insurance program would be financed by a 2-cents-an-hour payroll deduction on workers. So, for a premium of \$20 to \$40 a year, all workers would have FMLI coverage, and the security of knowing they can afford to take some time off work when they have a family health emergency or when they welcome a new child into their family.

In the Senate, SB 5659 was amended to address concerns raised by business lobbying groups in Olympia. It now stipulates 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 equivalent jobs). In addition, FMLI coverage for the worker's own health conditions was removed after some opponents argued that this should be covered by employer-provided sick leave instead. And the cherry on top: employers of 50 or fewer can receive a B&O tax credit of up to \$1,200 for each replacement worker hired for someone out on family leave.

Despite all these concessions, there is now talk of further amending SB 5659 to dodge the issue all together, and put it on this fall's ballot. The Washington State Labor Council and the bill's many other advocates are very much opposed to this idea. **Although polling demonstrates widespread support for FMLI, the polling also shows that Washington voters want the Legislature to show leadership and address this issue.** There is plenty of support for passing SB 5659 in the House, without further amendment. Let's vote on it!

Call the Legislative Hotline at 1-800-562-6000 and leave a message for both of your State Representatives—and ask that

it be copied to Governor Gregoire and House Speaker Frank Chopp—urging them to pass SB 5659, with no referendum!

## Send large-employer healthcare bums a bill

Contract negotiations are now under way for thousands of Western Washington grocery workers. Yet again, we are reminded that large employers that are doing the right thing by providing affordable health care benefits to employees are being put at a competitive disadvantage for doing so. Meanwhile, large corporations that are shifting their employee healthcare obligations onto taxpayers continue to be rewarded for this deliberate business

strategy, as our lawmakers turn a blind eye with their inaction.

Yes, we need sweeping healthcare reform that moves away from the failing employer-provided system. But how many years will it take to accomplish this? In the meantime, we need to make transitional changes that stop the bleeding, and discourage the race to the bottom on health benefits. When large employers in this state have workers on taxpayer-funded health programs, we need to send the bums a bill!

That's what the Taxpayer Healthcare Fairness Act (HB 2094) would do. It has been heard in Appropriations Committee and because it's considered part of the budget process, it can be pulled to the floor for a vote at any time -- and should be. Governor Chris Gregoire and Democratic legislative leaders have repeatedly acknowledged that this large-employer cost-shifting is part of our healthcare problem in Washington. At various times, they have committed to do something about it. We're still waiting.

## Beware Friday the 13th (of April)

Quite a few important labor-supported bills have received hearings this past week, and some have begun to advance from their policy committees. The deadline for bills to pass from policy committees is this Friday, March 30; the deadline to pass

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Check out the **WSLC Legislative Tracker™** for up-to-the-second-we-get-to-it updates on the status of key labor bills. Visit **[www.wslc.org](http://www.wslc.org)**

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fiscal and transportation committees is Monday, April 2.

But the most ominous deadline that remains is Friday the 13th (of April). That's the day that bills must have passed their opposite-house floor votes. Floor activity deadline days are notorious for hectic schedules, and sometimes for parliamentary shenanigans intended to gum up the works and kill good bills. Popular legislation that is the product of months of negotiation and compromise can fall victim to the legislative equivalent of Jason, the masked homicidal maniac of Friday the 13th films.

So the Washington State Labor Council and its affiliated unions are urging swift action—both in committee and on the floor—on important legislation affecting working families. Here are a few WSLC-supported bills that need action:

## Action needed in the HOUSE

**SB 5373** (Sponsor: Kohl-Welles) — This bill addresses employer **Unemployment Insurance fraud and excess socialized costs**. It 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 was heard last week in House Commerce & Labor. It awaits a committee vote.*

**SB 5659** (Keiser) — **Family and Medical Leave Insurance** granting all Washington workers up to five weeks of paid leave at a stipend of \$250 a week (pro-rated for part-timers) when they must deal with a serious illness for a family member, including domestic partners, or the birth or adoption of a child. The insurance program would be financed by a 2-cents-an-hour payroll deduction on workers, or about \$40 a year.

*SB 5659 passed the Senate 32-17, has passed House Commerce & Labor, and is now in House Appropriations. (See story above for more details.)*

**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 was heard last week in House Commerce & Labor. It awaits a committee vote.*

**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 was heard last week in House Commerce & Labor. It awaits a committee vote.*

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

*SB 5920 passed the Senate 42-4 and was heard last week in House Commerce & Labor. It awaits a committee vote. (Its companion bill is HB 2073.)*

## Action needed in the SENATE

**HB 1244** (Conway) — The **Workers' Compensation Hour Bank** bill creates parity between injured construction 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 1244 passed the House 64-32 and had a hearing today in the Senate Labor & Commerce Committee. It awaits a vote.*

**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 was heard last week in Senate Labor & Commerce. It awaits a committee vote.*

**HB 2073** (Conway) — Establishing a pilot program for **vocational rehabilitation reform** in our workers' compensation system.

*HB 2073 passed the House 85-13 and was heard today in Senate Labor & Commerce. It awaits a committee vote. (Its companion bill is SB 5920.)*

**HB 2079** (Conway) — Clarifying the **agency fee rules**. This bill regarding union accounting processes has been misinterpreted, perhaps deliberately, by some as allowing the agency-shop fees to be used for political purposes. It does not. It clarifies existing statute by making it clear that agency-shop fees are not considered used for political purposes when sufficient funds exist in the union's general treasury to cover the expenditure.

*HB 2079 passed the House 55-42 and was heard last week in Senate Labor & Commerce. It awaits a committee vote.*

**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 and was heard last week in Senate Labor & Commerce. It awaits a committee vote.*