



# Legislative UPDATE

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



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## Lawmakers enter the home stretch

The final week of the 2007 session of Washington's State Legislature begins amid hopeful signs on a number of labor-supported bills. Several priority bills survived last week's ominous Friday the 13th cutoff deadline, including a strong 61-36 House vote to approve an amended version of SB 5659, the Family Leave Insurance bill (see story below).

There are reports that lawmakers may try to wrap things up quickly and adjourn as soon as this Friday, two days earlier than scheduled. So it's important that the bills that were amended in the opposite houses, like SB 5659, are acted upon quickly to get concurrence in the original house, to recede from the opposite-house changes, or to reconcile the two versions. This work began Saturday and continues all week.

Meanwhile, the Governor has begun to sign labor-supported bills that have reached her desk, including last week's signing of the crane safety legislation, HB 2172, requiring certification of construction cranes and their operators. Governor Gregoire's pen will be kept busy all week with daily bill signings scheduled Tuesday through Friday. Keep track of what she has signed into law at the WSLC Legislative Tracker™ at [www.wslc.org/legis/tracker07.htm](http://www.wslc.org/legis/tracker07.htm).

### House passes amended Family Leave bill

The last item on the House's agenda before Friday's legislative cutoff deadline was SB 5659, the Family Leave Insurance bill. A significantly scaled-back version of the legislation easily passed on a 61-36 vote and now must be reconciled with the stronger version that previously passed the Senate, 32-17.

Having been amended by the Appropriations Committee into a title-only bill, negotiations in the House aimed to address some representatives' concerns about the program's scope and its funding mechanism. Ultimately, a new version of the bill surfaced that offers the paid leave only to parents of newborn or newly adopted children, and eliminates the Senate-approved bill's coverage for missing work to deal with a family member's serious illness. The benefit remains up to five weeks of partial wage replacement at a stipend of \$250 a week (pro-rated for part-timers), but the House-approved version delays the decision on how to finance the program by creating a task force to make that recommendation.

The strong House vote represents major progress; family leave legislation has previously passed the Senate but never the

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House. Although this historic development in the six-year legislative struggle is welcome and appreciated, the Washington State Labor Council and other family-leave advocates urge lawmakers to reconcile the bills and restore coverage for both new parents and workers with family health emergencies.

As for the program's financing, the original bill proposed a 2-cents-an-hour payroll deduction on workers. This premium of between \$20 and \$40 a year would have granted all workers 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. A poll by Lake Research Partners asked residents whether they would support the Family and Medical Leave Insurance program funded by a 3-cents-an-hour premium—that was before supporters were certain that the 2-cent premium provided sufficient funding—and found that 73% supported it! That said, an even stronger majority thought employers should pay part of the premium.

Our point? Family Leave Insurance is a very popular idea whose time has come, and workers are willing to pay this tiny premium to get that economic security for themselves and their families. We urge lawmakers not to scale back what is covered under the program based on unfounded fears that the program's cost will spook voters.

### Taxpayers Healthcare Fairness is still alive

A news report Sunday on the possible demise of one labor priority has been greatly exaggerated. The effort to discourage certain large employers from shifting their health-care costs onto taxpayers remains alive.

As we've previously reported, the bill dubbed the Washington Taxpayer Healthcare Fairness Act (HB 2094)—which would

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require employers of 1,000 or more to reimburse the state for its employees on taxpayer-subsidized health plans—has missed a cutoff deadline. But since that time, it has had another public hearing and there remains support among Democratic leaders to try to implement this popular policy as part of the budget. So it is alive right up until the final gavel falls.

Gov. Gregoire and key legislative leaders have acknowledged that large employers' cost-shifting is a significant contributing factor in the erosion of health coverage in Washington state. They have received thousands of emails reminding them that this problem hasn't gone away and needs to be addressed.

The Washington State Labor Council and its affiliated union organizations urge lawmakers not to let large employers off the hook.

## Budget: Don't tie the hands of the PEBB

Always last but never least on the State Legislature's agenda is the operating budget. Thankfully, both houses' proposed biennial budgets fully fund the state employee contracts, although some lawmakers are working to back out of a promise on pension "gainsharing," which allows state workers to share in extraordinary gains in their retirement funds' investments.

The Washington Federation of State Employees, AFSCME Council 28 also points out that there is a budget proviso that essentially prohibits the Public Employees Benefits Board from making any improvements to state employees' health benefits over the next two years. The Washington State Labor Council joins WFSE in urging legislators and Governor Gregoire to remove that proviso in Section 951 (h) of the Senate budget and Section 949 (h) of the House budget. The PEBB should have the ability to improve health benefit levels for state employees.

## A roundup of what's still out there

Here's a status report on some other WSLC-supported bills:

**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 passed the House 64-30. It is now on the Governor's desk awaiting signature.*

**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. The House passed an amended version 68-29. The two versions must be reconciled.*

**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 passed the House 69-29. It now heads to the Governor's desk.*

**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 passed the House 74-21. The Governor is scheduled to sign SB 5920 on Wednesday.*

**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 stop 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. The Senate passed an amended version 47-0. The House has concurred with the Senate version, 63-31. It now heads to the Governor's desk.*

**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 passed the Senate 45-3. It now heads to the Governor's desk.*

**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 passed the Senate 29-20. It now heads to the Governor's desk.*

**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. Both adult family home associations support this important bill.

*HB 2111 passed the House 80-16, and passed the Senate 32-17. It is now on the Governor's desk awaiting signature.*