
**Labor & Workplace Standards
Committee**

ESSB 5111

Brief Description: Concerning payments for accrued and unused sick leave for certain construction workers.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Conway, Kuderer, Randall and Robinson).

Brief Summary of Engrossed Substitute Bill

- Requires payment of accrued and unused sick leave to certain construction workers separating from employment.

Hearing Date: 3/15/23

Staff: Trudes Tango (786-7384).

Background:

Every employer must provide its employees paid sick leave of at least one hour for every forty hours worked as an employee. An employee may use paid sick leave beginning on the ninetieth calendar day after commencing employment.

For each hour of paid sick leave used, the employee must be paid the greater of the state minimum hourly wage or the employee's normal hourly compensation. Unused paid sick leave carries over to the following year; however, an employer is not required to allow an employee to carry over paid sick leave in excess of 40 hours.

An employer is not required to pay the employee for any unused accrued paid sick leave upon the employee's termination, resignation, retirement, or other separation from employment. When

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there is a separation from employment and the employee is rehired within 12 months by the same employer, previously accrued unused paid sick leave must be reinstated and the previous period of employment counts for the purposes of determining the employee's eligibility to use paid sick leave.

The sick leave provisions do not apply to construction workers covered by a collective bargaining agreement (CBA) if: (1) the union signatory to the CBA is an approved referral union program; (2) the CBA establishes equivalent sick leave provisions; and (3) the sick leave requirements have been expressly waived in the CBA. Equivalent sick leave provisions provided by a CBA must meet the requirements of the sick leave law, except payment of leave may occur before usage.

Summary of Bill:

Workers covered under the North American Industry Classification System code for construction, except for residential building construction, that have not met the 90-day eligibility requirement at the time of separation, must be paid the balance of the worker's accrued and unused sick leave upon separation.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 13, 2023.

Effective Date: The bill takes effect on January 1, 2024.