

Amendments 1 and 2 to CB 119145

CM Herbold and Mosqueda Amendments to CB 119145

Initiative 1433, passed by the people of Washington, provides an increase to the minimum wage and paid sick and safe time benefits which take effect on January 1, 2018.

Amendment 1

I move to add the following recitals to CB 119145 to explain the paid sick and safe time benefits provided by Initiative 1433.

WHEREAS, the people of Washington passed Initiative Measure No. 1433, amending chapter 49.46 RCW ((49.46)) to require employers to provide employees with paid sick leave to care for the health of themselves and their families as of January 1, 2018; and

WHEREAS, Initiative 1433 applies to all employers in Washington and provides that employees accrue at least one hour of paid sick leave for every 40 hours worked; and

WHEREAS, employees are authorized to use paid sick leave for: 1) their own medical care; 2) to provide care for a family member; 3) when their place of business or child's school or place of care has been closed by order of a public official due to a health reason; or 4) when their absence qualifies for domestic violence leave under chapter 49.76 RCW; and

WHEREAS, an employee may begin to use accrued paid sick leave beginning on the employee's ninetieth day of employment; and

WHEREAS, an employer may request reasonable notice for an absence from work, and may require verification for absences longer than three days, but may not require an employee to find a replacement for the time the employee will be absent; and

WHEREAS, employees must be paid their normal hourly compensation or the minimum wage, whichever is greater, and must be allowed to carry over up to 40 hours of unused paid sick leave to the following year; and

WHEREAS, an employer is not required to provide financial or other reimbursement for accrued or unused paid sick time upon an employee's separation from employment; however, if an employee is rehired within 12 months of separation, previously accrued sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining an employee's eligibility to use paid sick leave; and

WHEREAS, an employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee; and

WHEREAS, an employer may not discriminate or retaliate against an employee for exercising the right to use of paid sick leave; and

WHEREAS, an employer is not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes; and

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Amendment 2

Amendment 2 Extends waiver till end of 2018 or the end of any collective bargaining agreement, with a waiver, in existence on December 2018.

Initiative 1433, does not permit a collective bargaining agreement to waive the I-1433 paid sick and safe leave benefits. Therefore, the City can not waive anything required by I-1433.

However, the City of Seattle's Paid Sick and Safe Time (PSST) ordinance does provide more generous benefits in a few areas. The City's PSST ordinance also provides that the provisions of the City's PSST ordinance may be waived in a collective bargaining agreement if they are expressly waived in clear and unambiguous terms.

CB 119145, the proposed ordinance allows a waiver of the City's PSST benefits that are greater than those required by I-1433, until December 31, 2018.

This amendment would allow a waiver until December 31, 2018 *or until the expiration of any collective bargaining agreement in existence on December 2018*. Any labor organization that seeks to extend their waiver under this provision must file information on the pertinent collective bargaining agreement with the City of Seattle Office of Labor Standards.

I move to amend Section 14.16.120 as follows:

14.16.120 Waiver; Effect on collective bargaining rights

A. A waiver by employees covered by a bona fide collective bargaining agreement of provisions of this Chapter 14.16 is permitted as follows:

1. ~~((The))~~ Effective September 12, 2012 through December 31, 2017, the provisions of this Chapter 14.16 shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

2. Effective January 1, 2018 through the later of: December 31, 2018; or the expiration of a collective bargaining agreement in existence on December 31, 2018; the provisions of this Chapter 14.16 that are more generous than those provisions requiring paid sick leave under chapter 49.46 RCW and chapter 296-128 WAC, including but not limited to more

generous requirements for accrual and carry over for Tier 2 and Tier 3 employers under Section 14.16.025, shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that:

a. Such requirements are expressly waived in the collective bargaining agreement, or in an addendum to an existing agreement including an agreement that is open for negotiation;

b. The waiver is in clear and unambiguous terms and shall not impede the ability of the Office of Labor Standards to enforce any unwaived portions of Chapter 14.16; and

c. Any labor organization that seeks to extend a waiver beyond January 1, 2018, files information on the pertinent collective bargaining agreement with the Office of Labor Standards. The information should include the name of the employer, the labor organization, the covered employees, the term of the collective bargaining agreement, and the language of the waiver. The information shall be filed with the Office of Labor Standards by the end of January 2018 or, for collective bargaining agreements ratified in 2018, within 30 days of the ratification date of such a collective bargaining agreement.

3. Effective on the later of: January 1, ~~2018~~ 2019; or the expiration of a collective bargaining agreement in existence on December 31, 2018; any waiver by employees covered by a bona fide collective bargaining agreement shall be deemed contrary to public policy and shall be void and unenforceable.

B. ((Any)) With the exceptions noted in subsection 14.16.120.A, any waiver by an individual of any provisions of this Chapter 14.16 shall be deemed contrary to public policy and shall be void and unenforceable.