

**Labor and Workforce
Development Committee**

**House of Representatives
State of Washington**

Final Report for 2013
(Regular Session and 1st and 2nd Special Sessions)

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House of Representatives
State of Washington

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2013 FINAL REPORT
House Labor and Workforce Development Committee

Summary of Major Legislation

BUILDING AND CONSTRUCTION

EHB 1473 would have created reporting requirements for certain business entities contracting for construction services and provided penalties for failing to report or filing incomplete reports. Under the bill, an entity that in the course of business made a payment to a construction service provider of \$600 or more in a year would have been required to report the payment to the Department of Labor and Industries. EHB 1473 passed the House but died in the Senate Commerce and Labor Committee.

COLLECTIVE BARGAINING

Collective bargaining bills considered by the Committee dealt with binding interest arbitration, community college employee compensation, and marine employee labor disputes. None of the collective bargaining bills considered were enacted.

SHB 1490, similar to bills considered in previous years, would have granted binding interest arbitration to employees of the Department of Corrections (DOC). It also would have applied the Public Employees' Collective Bargaining Act, instead of the Personnel System Reform Act, to DOC employees. SHB 1490 died on the House Second Reading Calendar.

Duly sworn police officers employed as members of a university police force would have been granted binding interest arbitration under **HB 1540**, which died in the House Appropriations Committee.

HB 1348 would have required the boards of community and technical colleges to award step increases to academic employees based on collective bargaining agreements. The step increases would have been permitted to exceed compensation provided by the Legislature. The bill died in the Senate Commerce and Labor Committee.

The Marine Employees' Commission (MEC), which was set to be eliminated July 1, 2013, was the subject of **HB 1608**. The bill would have maintained the MEC within the Public Employment Relations Commission to hear certain disputes between labor and management arising out of the operation of the ferry system. HB 1608 died in the Senate Transportation Committee.

EMPLOYMENT

Employment-related bills considered by the Committee covered a wide range of issues, from drayage drivers, to employee misclassification, to online privacy.

SSB 5211, which was enacted, prohibits employers from requiring employees and job applicants to provide login information for a personal social networking account. It also prohibits employers from requiring that employees and job applicants access their accounts in the employer's presence, add someone to their list of contacts, or alter the account settings that allow a third party to view the contents of the account. Adverse action against employees is also prohibited. An employer may require an employee to share the contents of a personal social networking account as part of an investigation if the employer does not request login information. An aggrieved employee or applicant may sue and recover a \$500 penalty.

Drayage truck operators were the subject of **SHB 1719**, which died in the House Rules Committee. The bill would have required port districts in counties with a population of 800,000 or more to employ drayage truck operators to transport containerized cargo, other than agricultural products, at or through the port. The port district would have been authorized to enter into contracts with cargo owners and shippers for drayage services.

2SHB 1440 was an omnibus employment law bill that would have addressed misclassification, retaliation, and collection of unpaid wages. The bill would have applied the ABC test to determinations of independent contractor status in many areas of employment law and would have prohibited misclassification of employees as independent contractors. It would have penalized retaliation against employees for taking specific actions, such as filing a complaint. It also would have granted employees a wage lien on an employer's property. 2SHB 1440 died on the House Second Reading Calendar.

The Committee heard but did not take action on **HB 1026**, which would have required that at least 75 percent of labor hours on public works and subsidized public works projects be performed by residents unless a sufficient number of qualified residents was unavailable.

ESSB 5811 would have required that state employee health care benefit plans be offered with an employee wellness program maintained by the Health Care Authority. The wellness program would have been required to include financial incentives, such as premium reductions or increases. The Committee heard but did not take action on the bill.

The Committee passed **HB 1535**, which would have repealed the statute that establishes procedures for the reduction in force of tenured and probationary faculty when the State Board of Community and Technical Colleges declares a financial emergency. The bill died in the House Appropriations Committee.

LEAVE

Several bills dealt with family and medical leave. **HB 2044***, which was enacted, delays the family leave insurance program until the Legislature specifically appropriates funding and enacts date for benefits.

The Committee passed **SHB 1457**. This bill would have expanded the purposes for which leave could be taken to include leave for a family member's serious health condition or the individual's

* HB 2044 did not go through the Committee, but is related to the Committee's work.

own serious health condition, in addition to leave for a child's birth or placement.

The bill also would have established a payroll premium paid by both employers and employees as the funding source for payment of benefits and administration. The bill died in the House Finance Committee.

Paid sick and safe leave was the subject of **SHB 1313**. This bill, which died on the House Second Reading Calendar, would have required employers with more than four full-time equivalent employees to provide paid leave for: (1) specified medical reasons relating to the employee's or a family members' health; (2) domestic violence, sexual assault, and stalking; and (3) closure of the employee's place of business or child's school or place of care due to a public health emergency.

PREVAILING WAGE

The Committee considered several bills related to prevailing wage, one of which would have expanded, and two of which would have narrowed, application of prevailing wage requirements.

SHB 1025 would have required payment of prevailing wage on subsidized public works, defined as projects where a party to the contract for the project received or will receive a qualifying tax preference or public loan for the project. The bill died in the House Finance Committee.

HB 1249 would have exempted from prevailing wage requirements public works projects undertaken to repair damage caused by certain large wildfires in Eastern Washington. **HB 1255** would have exempted school plant facility projects that receive funding assistance through the state School Construction Assistance Program. The Committee heard but did not take action on either bill.

SAFETY AND HEALTH

EHB 1891 was similar to a 2012 bill and would have amended the Washington Industrial Safety and Health Act (WISHA). As passed by the Committee, the bill would have: (1) increased civil and criminal penalties; (2) established requirements for safety committees; (3) required certain information to be provided to victims and allowed victims to make statements; and (4) required that certain information be provided to new employees. The penalty provisions were removed by a House floor amendment, and the bill died in the Senate Commerce and Labor Committee.

UNEMPLOYMENT COMPENSATION

Two enacted unemployment bills, which were Employment Security Department (ESD) request bills, were responses to federal legislation. **SB 5355** contains two elements, one which affects claimants and one which affects employers. Claimants who commit unemployment fraud for the first time will be subject to an additional penalty of 15 percent of the benefits overpaid, in

addition to being disqualified from receiving benefits and liable for repayment of benefits paid. Employer benefit charge relief is not available if benefits were paid because an employer failed to respond timely or adequately without good cause to the ESD's information requests and the employer has a pattern of such failures. The companion bill, **EHB 1395**, died in the Senate Rules Committee.

EHB 1396 addresses the Shared-Work Program (Program). This Program provides for the payment of partial unemployment benefits when employers elect to retain employees at reduced hours rather than institute layoffs. Congress recently provided for federal reimbursement to states of shared work benefits until August 22, 2015. Under EHB 1396, benefits reimbursed by the federal government are not charged to the experience rating accounts of contributing employers or to reimbursable employers. Changes to the Program requirements were also made to conform to the federal legislation.

Corporate officer coverage provisions will be changed from an "opt out" to an "opt in" system as a result of **SSB 5227**. After the bill takes effect at the end of 2013, services of corporate officers will not be services in employment unless a corporation elects to cover its officers.

WAGE AND HOUR

The Department of Labor and Industries (Department) submitted **ESHB 1467** as request legislation. The bill would have permitted the Department to collect unpaid wages by electronically serving financial institutions with a Notice and Order to Withhold and Deliver. ESHB 1467 died in the Senate Ways and Means Committee.

SHB 1621 would have limited the hours that railroad yardmasters could remain on duty. It was modeled after a federal law that applies to other railroad workers. The bill also would have prohibited a railroad carrier from communicating with yardmasters in a way that disrupts sleep during an off-duty period. The bill died on the House Second Reading Calendar.

Other wage and hour bills considered by the Committee were similar to bills introduced in previous years. **HB 1152** and **HB 1153** dealt with meal and rest breaks and mandatory overtime for certain health care workers. HB 1152 would have required that certain hospital employees' meal and rest breaks be uninterrupted and would have required hospitals to record when the employees took or missed a meal or rest period. HB 1153 would have expanded the current prohibition on mandatory overtime in health care facilities to technologists and other employees. It also would have prohibited employers from using prescheduled on-call time to fill chronic or foreseeable staff shortages and would have modified exceptions to the prohibition on mandatory overtime. Both HB 1152 and HB 1153 died in the House Rules Committee.

The Committee heard but did not take action on **HB 1150** and **HB 1462**. HB 1150 would have allowed small employers to pay a training wage of 75 percent of the minimum wage to new employees during a training period. HB 1462 would have created a good faith defense to minimum wage and overtime claims. An employer would not be liable for failure to pay minimum wage or overtime compensation if the employer relied on a Department of Labor and Industries rule, written determination, or administrative policy.

WORKERS' COMPENSATION

ESSB 5744, which was enacted, recognizes the industry formation of a Logger Safety Task Force to develop a logger safety initiative to reduce the frequency and severity of injuries. The Department of Labor and Industries (Department) must report to the Legislature by December 31, 2013, on the development of the initiative. The report must also include any rate reduction or other incentive for rate year 2014 for employers participating in the initiative. A proviso in the 2013-15 Operating Budget (**Sec. 217(6) of 3ESSB 5034**) requires some of the costs of the initiative to be included in the forest products rate calculation. The provision also requires a subsequent report by the Department, by December 31, 2014, which must include recommendations for permanent funding of the logger safety initiative.

Under the prime contractor liability law, prime contractors may be assessed for premiums owed by subcontractors. In construction however, registered contractors and licensed electrical contractors are not responsible for a subcontractor's premiums if certain requirements are met. **HB 1616**, which died in Committee, would have applied the construction provisions to all contractors.

EHB 1887 and **SSB 5362** deal with vocational rehabilitation and were both enacted. Under **SSB 5362**, the Vocational Rehabilitation Pilot Program that was created in 2007 and scheduled to end June 30, 2013, is extended through June 30, 2016. The House companion bill, **EHB 1470**, died on the Senate Second Reading Calendar. **EHB 1887** requires the Vocational Rehabilitation Subcommittee (Subcommittee) to consider options that would allow injured workers to attend baccalaureate institutions under vocational rehabilitation plans. The Subcommittee must provide recommendations to the Department and the Legislature by December 31, 2013.

The Committee heard but did not take action on **SB 5112**. This bill would have allowed retrospective rating employers and groups to schedule independent medical exams and consultations and vocation rehabilitation assessments.

WORKFORCE DEVELOPMENT

ESHB 1247, which was enacted, makes changes to the Job Skills Program. Instead of requiring businesses to provide financial support that matches the amount of the Job Skills Program grant, **ESHB 1247** allows businesses with an annual gross business income of less than \$500,000 to provide financial support that is at least equal to their trainees' salaries and benefits during training. The bill also amends some of the criteria used when determining which applications for grants are given priority.

A bill that would have changed apprenticeship utilization requirements, **SHB 1023**, was heard in Committee but died on the House Second Reading Calendar. Under **SHB 1023**, the requirement that at least 15 percent of labor hours be performed by apprentices would have been applied to subsidized public works contracts that cost \$5 million or more. Under the bill, entities would have qualified for certain construction-related tax incentive programs only if they comply with apprenticeship utilization requirements.

Other workforce development bills heard but not enacted include **SHB 1823**, which would have expanded the roles of Centers of Excellence, and **HB 1871**, which would have created a program focusing on work-integrated learning opportunities, such as internships and job shadowing, for high school students. Under SHB 1823, the role of the Centers of Excellence would have included acting as central sources of information for businesses in targeted industries and building connections with K-12 schools, colleges, universities, and apprenticeship programs. SHB 1823 died in the House Appropriations Committee. HB 1871, which was Governor's request legislation, would have created the Alliance for Student Success in Education and Training (ASSET) Program to increase students' access to work-integrated learning opportunities, particularly in the science, technology, engineering, and mathematics fields. The bill also would have created a grant program for two high schools and one skill center to implement dropout re-engagement programs. The bill died in the House Appropriations Committee. Its companion, **SSB 5754**, also died in the House Appropriations Committee.

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Enacted

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i>EMPLOYMENT</i>			
SSB 5211	Hobbs	Social Networking Accounts - Prohibits an employer from requiring or coercing an employee or job applicant to disclose login information to a personal social networking account, to access his or her account in the employer's presence, to add a person to his or her list of contacts, or to alter the account settings that affect a third party's ability to view the contents of the account. Prohibits an employer from taking adverse action against an employee. Permits an employer to request or require an employee to share the contents of his or her personal social networking account to make a factual determination in an investigation. Permits an aggrieved employee or applicant to bring a civil action.	C 330 L 13
SB 5476	Hewitt	Newspaper Services - Modifies exclusions from unemployment insurance, industrial insurance, and the Minimum Wage Act for certain newspaper services to exclude vendors, carriers, delivery persons, and stringers.	C 141 L 13
<i>UNEMPLOYMENT COMPENSATION</i>			
HB 1056	Angel	Corporate Officer Unemployment - Specifies that a corporate officer is unemployed if the officer's wages with the corporation are less than 25 percent of the officer's total wages.	C 66 L 13
HB 1311	Chandler	Maritime Services - Excludes certain fishing operations from mandatory unemployment insurance coverage and allows elective coverage.	C 75 L 13
EHB 1394	Reykdal	Settlement of Employer Debts - Allows the Employment Security Department to settle employer tax debts for less than the full amount due.	C 122 L 13
EHB 1396	Manweller	Shared Work Program - Makes changes to the Shared Work Program consistent with 2012 federal legislation. Provides that shared work benefits reimbursed by the federal government are not charged to employers for a three-year period.	C 79 L 13
HB 1903	Fitzgibbon	Benefit Charging Relief for Part-Time Employers - Allows an employer who continues to employ on a part-time basis a person who is receiving unemployment benefits to request relief from benefit charges in certain circumstances.	C 244 L 13

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SSB 5227	Schoesler	Corporate Officer Coverage - Provides that the services of corporate officers are not services in employment for unemployment insurance purposes unless the corporation elects to cover its officers.	C 250 L 13
SB 5355	Holmquist Newbry	Conformity - Claimant Fraud Penalty and Benefit Charge Relief - Makes changes to conform to 2011 federal legislation. Subjects individuals who commit unemployment claimant fraud for the first time to an additional penalty of 15 percent of benefits overpaid. Prohibits relief from benefit charges and credit for benefit payments when benefits were paid because an employer failed to respond timely or adequately to the Employment Security Department's information requests without good cause and the employer has a pattern of such failures.	C 189 L 13
WAGE AND HOUR			
SHB 1853	Maxwell	Real Estate Brokers - Exempts a person licensed under the real estate broker law from overtime requirements, unless the person provides real estate brokerage services under a written contract with a real estate firm that states that the person is an employee.	C 207 L 13
SB 5056	Honeyford	Minor Work Permits - Permits an employer to obtain a minor work permit by completing only the portions of the business license application that indicate plans to hire a minor, the duties of the minor, and the estimated hours.	C 156 L 13
WORKERS' COMPENSATION			
HB 1468	Sells	Payment Methods - Allows the Department of Labor and Industries to issue payments to claimants under the Crime Victims Compensation Program and the Industrial Insurance Act using methods other than checks.	C 125 L 13
HB 1469	Schmick	Horse Racing Industry - Removes the requirement that workers' compensation premiums for horse racing employees be computed on a per license basis and that payments be assessed at the time of licensing. Allows the Department of Labor and Industries and the Horse Racing Commission to develop rules regarding calculation and assessments.	C 80 L 13
HB 1863	Stonier	Scholarship Information - Creates an exemption in the state Ethics in Public Service Act to allow the Department of Labor and Industries to provide information about scholarship opportunities available to the children and spouses of workers who suffered death or permanent total disability.	C 134 L 13
EHB 1887	Sawyer	Vocational Rehabilitation Plan Options - Requires the Vocational Rehabilitation Subcommittee to consider options that would allow injured workers to attend baccalaureate institutions under their vocational rehabilitation plans, and requires the Subcommittee to report recommendations to the Legislature by December 31, 2013.	C 326 L 13

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
SSB 5362	Conway	Vocational Rehabilitation - Extends the Vocational Rehabilitation Pilot Program for three years, until June 30, 2016.	C 331 L 13
ESSB 5744	Hargrove	Logger Safety Initiative - Recognizes the creation of a Logger Safety Task Force which is developing a logger safety initiative to reduce the frequency and severity of injuries. Requires the Department of Labor and Industries to report to the Legislature by December 31, 2013, on the implementation of the initiative, including a summary of any rate reduction or other incentive for rate year 2014 for initiative participants.	C 339 L 13
<i>WORKFORCE DEVELOPMENT</i>			
ESHB 1247	Hansen	Job Skills Program - Allows businesses with an annual gross business income of less than \$500,000 to provide financial support that is equal to the trainees' salaries and benefits during training, rather than equal to the Job Skills Program grant amount. Amends some of the criteria used when determining which applications get priority.	C 103 L 13

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Other Bills Passed Out of Committee**

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
<i>BUILDING AND CONSTRUCTION</i>			
EHB 1473	Sells	Construction Service Payments - Requires an entity that pays \$600 or more for construction services to report the payment and other information to the Department of Labor and Industries, and provides penalties for failing to report or providing incomplete reports.	S Commerce & Labor
<i>COLLECTIVE BARGAINING</i>			
HB 1348	Reykdal	Community College Academic Employees - Requires community and technical colleges' boards of trustees to award to full- and part-time academic employees step increases based on collective bargaining agreements. Permits the step increases to exceed compensation provided by the Legislature.	S Commerce & Labor
SHB 1490	Sells	Corrections Employees - Extends the binding interest arbitration provisions of the Public Employees' Collective Bargaining Act (PECBA) to employees of the Department of Corrections (Department). Applies the collective bargaining provisions of the PECBA, instead of the Personnel System Reform Act (PSRA), to Department employees. Provides that the scope of mandatory bargaining is the same as described in the PSRA and includes wages, hours, and other terms and conditions of employment.	H 2nd Reading
HB 1540	Seaquist	University Police Forces - Provides binding interest arbitration under the Personnel System Reform Act for duly sworn police officers employed as members of a police force established by state universities, regional universities, and The Evergreen State College.	H Approps
HB 1608	Appleton	Marine Employees' Commission - Maintains the Marine Employees' Commission within the Public Employment Relations Commission to hear certain disputes between labor and management arising out of the operation of the ferry system.	S Transpo

** The summary describes the bill at the highest status attained in the House. Unless noted otherwise, the status indicated is prior to the transmission of bills to the original house and adjournment sine die of the 2013 legislative session.

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
HB 1804	Reykdal	Supplemental Bargaining - Requires that upon request of any party, the Governor's designee and an exclusive bargaining representative enter into supplemental bargaining of agency-specific issues for inclusion in the master collective bargaining agreement.	H Approps
EMPLOYMENT			
2SHB 1440	McCoy	Employee Protections/Misclassification, Retaliation, and Wage Liens - Prohibits misclassification of employees. Requires use of the ABC test to determine whether an individual is an independent contractor for purposes of the new Employee Fair Classification Act, the Minimum Wage Act, the Wage Payment Act, the Wage Rebate Act, and laws on prevailing wage, industrial insurance, and unemployment compensation. Prohibits retaliation against employees. Creates a statutory lien for wage claims.	H 2nd Reading
HB 1535	Fey	Community College Faculty - Repeals the statute establishing expedited procedures for the reduction in force of community and technical college tenured and probationary faculty when the State Board of Community and Technical Colleges has declared a financial emergency.	H Approps
HB 1659	Sells	Newspaper Services - Modifies exclusions from unemployment insurance, industrial insurance, and the Minimum Wage Act for certain newspaper services to exclude vendors, carriers, delivery persons, and stringers. Identical bill, SB 5476, enacted.	H Rules
SHB 1719	Freeman	Drayage Truck Operators - Requires a port district in a county with a population of 800,000 thousand or more to employ drayage truck operators to transport containerized cargo at or through the port. Authorizes the port district to enter into contracts with cargo owners and shippers to provide drayage services, and requires drayage services in the port district to take place under such contracts.	H Rules
SSB 5123	Ranker	Farm Internship Pilot Project - Creates a farm internship pilot project similar to the 2010-2011 pilot project, and allows participation by small farms in Chelan, Grant, Island, Jefferson, King, Kitsap, Kittitas, Lincoln, Pierce, San Juan, Skagit, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties. Provides that farm interns are exempt from minimum wage and overtime requirements.	H 2nd Reading

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
LEAVE			
SHB 1313	Jinkins	Sick and Safe Leave - Requires employers with more than four full-time equivalent employees to provide paid leave to employees for: (1) specified medical reasons relating to the employee's or a family member's health; (2) reasons permitted under existing law requiring unpaid leave for purposes related to domestic violence, sexual assault, and stalking; or (3) closure of the employee's place of business or child's school or place of care due to specified public health emergencies.	H 2nd Reading
SHB 1457	Green	Family and Medical Leave Insurance - Provides benefits for individuals on leave for a family member's serious health condition or the individual's own serious health condition, in addition to leave for a child's birth or placement. Provides 12 weeks of leave for birth or placement of a child and for a family member's serious health condition, plus 12 weeks for an individual's own serious health condition, in an application year. Assesses a premium on employers of 0.2 percent of wages beginning on July 1, 2014, and then 0.4 percent of wages beginning on January 1, 2016, to finance benefits and administration, with subsequent annual adjustments. Allows employers to deduct one-half of premiums from employee pay.	H Finance
PREVAILING WAGE			
SHB 1025	Moeller	Subsidized Public Works - Requires payment of prevailing wage on publicly subsidized work. Assigns to subsidy recipients the responsibilities and liabilities of awarding agencies, and subjects subsidy recipients to a civil penalty if the contractor or subcontractor fails to pay prevailing wage. Requires a contractor or subcontractor on subsidized public works to maintain a surety bond. Provides that entities qualify for certain construction-related tax incentive programs only if they comply with the prevailing wage law.	H Finance
SHB 1254	Manweller	Filing Fee - Prohibits the Department of Labor and Industries from collecting an affidavit certification fee from individuals or entities that are exempt from the requirement to pay prevailing wage.	H Rules

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
<i>SAFETY AND HEALTH</i>			
EHB 1891	Reykdal	Employee Protections/Washington Industrial Safety and Health Act (WISHA) - Requires the WISHA Advisory Committee to continue its work regarding civil penalties and make recommendations regarding any statutory changes to civil penalties. Provides that upon request, the Director of the Department of Labor and Industries must meet with a victim, provide information to a victim, and give the victim an opportunity to make a statement before the parties. Establishes requirements for safety committees. Requires employers to provide information to new employees about their rights under the WISHA.	S Commerce & Labor
<i>UNEMPLOYMENT COMPENSATION</i>			
EHB 1395	Sells	Conformity - Claimant Fraud Penalty and Benefit Charge Relief - Subjects individuals who commit unemployment claimant fraud for the first time to an additional penalty of 15 percent of benefits overpaid. Prohibits relief from benefit charges when benefits were paid because an employer failed to respond timely or adequately to the Employment Security Department's requests for information without good cause. Similar bill, SB 5355, enacted.	S Rules
HB 1684	Reykdal	Minimum Age Requirement - Expressly states and requires that work for which an individual does not meet minimum age requirements does not constitute suitable work for purposes of work search and work refusal requirements.	S Rules
<i>WAGE AND HOUR</i>			
HB 1152	Morrell	Hospital Employee Breaks - Requires that meal and rest periods for certain hospital employees be uninterrupted. Permits rest periods to be taken at any point in the work period. Requires hospitals to record when certain employees take or miss a meal or rest period.	H Rules
HB 1153	Reykdal	Mandatory Overtime - Extends the prohibition on mandatory overtime in health care facilities to additional employees. Prohibits employers from using prescheduled on-call time to fill chronic or foreseeable staff shortages. Modifies exceptions to the prohibition on mandatory overtime related to prescheduled on-call time and completion of patient care procedures.	H Rules
ESHB 1467	Green	Collection of Unpaid Wages - Permits the Department of Labor and Industries to electronically serve a financial institution with a Notice and Order to Withhold and Deliver.	S Ways & Means

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
HB 1611	Liias	Tow Truck Operator Breaks - Allows a registered tow truck operator to close the business for a lunch break if the operator posts a notice providing the telephone number of a person who can release impounded vehicles.	H 2nd Reading
SHB 1621	Haler	Railroad Employees' Hours - Requires railroad carriers to observe rules limiting the hours of service for railroad yardmasters. Prohibits a railroad carrier from communicating with a yardmaster in a way that disrupts sleep during an off-duty period.	H 2nd Reading
WORKERS' COMPENSATION			
EHB 1470	Ormsby	Vocational Rehabilitation - Extends the Vocational Rehabilitation Pilot Program an additional three years, until June 30, 2016. Identical to SSB 5362.	S 2nd Reading
SHB 1884	Sells	Occupational Diseases - Changes how the rate of compensation is established, for the purposes of temporary total disability benefits, for occupational diseases that are known to be terminal. Requires the Department of Labor and Industries to adopt rules defining when an occupational disease is "known to be terminal."	S Commerce & Labor
WORKFORCE DEVELOPMENT			
SHB 1023	Moeller	Apprentice Utilization - Requires that at least 15 percent of labor hours on subsidized public works contracts above a certain threshold be performed by apprentices. Provides that entities qualify for certain construction-related tax incentive programs only if they comply with apprentice utilization requirements.	H 2nd Reading
SHB 1072	Chandler	Agricultural Labor Skills and Safety - Creates the Agricultural Labor Skills and Safety Grant Program, administered by the Department of Commerce, under which one grant recipient would design and implement skills and safety training for agricultural workers.	H Approps
SHB 1823	Sells	Centers of Excellence - Expands the role of Centers of Excellence to include acting as central sources of information for businesses in targeted industries and working with K-12 schools, colleges, universities, and apprenticeship programs. Expands the list of entities the State Board of Community and Technical Colleges must consult with when designating and funding Centers of Excellence.	H Approps
HB 1871	Maxwell	ASSET Program - Creates the Alliance for Student Success in Education and Training (ASSET) Program, administered by the Workforce Training and Education Coordinating Board, to increase work-integrated learning opportunities, such as internships, worksite visits, and job shadowing. Creates a grant program for at least two high schools and one skill center to implement dropout re-engagement programs aligned with entry into high-demand occupations.	H Approps

BILL NO.	PRIME SPONSOR	SUMMARY	CURRENT STATUS
HCR 4403	Sells	High Skills, High Wages Plan - Approves the state comprehensive plan for workforce training, "High Skills, High Wages 2012-2022," submitted by the Workforce Training and Education Coordinating Board.	S Higher Ed
SSB 5754	Litzow	ASSET Program - Creates the Alliance for Student Success in Education and Training (ASSET) Program, administered by the Workforce Training and Education Coordinating Board, to increase work-integrated learning opportunities, such as internships, worksite visits, and job shadowing.	H Approps

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Bills Referred to Committee

BILL NO.	PRIME SPONSOR	BRIEF DESCRIPTION
<i>BUILDING AND CONSTRUCTION</i>		
HB 1760	Buys	Like-In-Kind Appliance Replacement - Provides that HVAC/refrigeration specialty electricians do not need a plumbing certificate to replace like-in-kind appliances.
HB 1855	Hargrove	Electrical Generator Load Bank Testing - Permits nonresidential maintenance specialty electrical contractors and specialty electricians to engage in the business of load bank testing of generators and the related connection of cables, and prohibits the Department of Labor and Industries from requiring a permit for such work.
<i>COLLECTIVE BARGAINING</i>		
HB 1461	Manweller	Union Membership Poster - Requires the Department of Labor and Industries (Department) to include information regarding employees' rights related to union membership and dues in certain workplace posters. Requires the Public Employment Relations Commission to develop language to educate and advise employees regarding their rights related to union membership and dues and to transmit the language to the Department for inclusion in the workplace poster.
HB 1481	Appleton	Marine Employees' Commission - Removes the expiration date on the complaint and dispute procedure of the Marine Employees' Commission.
<i>EMPLOYMENT</i>		
HB 1026	Moeller	Resident Worker Preference - Requires that at least 75 percent of labor hours on public works contracts, including publicly subsidized works, be performed by Washington residents. Permits a waiver if a sufficient number of qualified residents is unavailable. Provides that companies qualify for certain construction-related tax incentive programs only if they comply with the resident worker preference law.
HB 1825	Parker	Removal of Peace Officers - Prohibits an arbitrator from overturning the removal or discharge of a peace officer if the employer established by clear and convincing evidence that the officer engaged in an illegal act or an act of dishonesty.
HB 2031	Green	Employer Communications - Prohibits an employer from requiring an employee to attend a meeting, or listen to, respond to, or participate in any communication relating to political or religious matters.
ESSB 5811	Tom	Employee Wellness Programs - Requires state employee health care benefit plans to be offered in conjunction with an employee wellness program. Requires the Health Care Authority to expand and maintain a state employee health and wellness program. Establishes a health and wellness advisory committee. Requires bargaining over the employer's percentage contribution of each employee's projected health care premium under the Personnel System Reform Act.

BILL NO.	PRIME SPONSOR	BRIEF DESCRIPTION
<i>LEAVE</i>		
HB 1780	Manweller	Local Paid Sick or Safe Leave Preemption - Prohibits enactment of local laws and ordinances that require or regulate paid sick or safe leave in excess of standards adopted by the state.
HB 1781	Manweller	Application of Local Paid Sick or Safe Leave Outside Limits of Jurisdiction - Prohibits a local government from applying a paid sick or safe leave program to an employer or employee whose principal place of business or employment, as applicable, is outside the limits of the local government's territorial jurisdiction.
ESB 5726	Braun	Application of Local Paid Sick or Safe Leave Outside Limits of Jurisdiction - Prohibits a local government from applying a paid sick or safe leave program unless the employer is physically located within the jurisdiction and the employee works at a physical location of the employer within the jurisdiction for at least 85 percent of the hours worked for that employer in the current calendar year.
ESB 5903 (not officially referred)	Braun	Family Leave Insurance - Creates a Joint Legislative Task Force on Family and Medical Leave Insurance Funding (Task Force) and directs the Task Force to recommend proposed funding legislation by January 1, 2015. Provides that if family leave insurance is not funded by December 31, 2015, family leave insurance is repealed.
<i>PREVAILING WAGE</i>		
HB 1249	Warnick	Wildfire Repair Projects - Exempts public works projects undertaken to repair damage caused by certain wildfires from prevailing wage requirements.
HB 1255	Manweller	School Plant Facility Projects - Exempts school plant facility projects receiving state financial assistance from prevailing wage requirements.
HB 1672	Condotta	Determinations - Requires the Department of Labor and Industries (Department) to maintain a list of prevailing wage determinations, provide notice of determinations, and provide an annual report to the Legislature. Negates the application of a determination if the Department fails to comply.
SB 5107	Padden	Residential Construction Rates - Requires that distinct prevailing wage rates be calculated and paid to workers employed in residential construction.
ESSB 5684	King	Delivery Workers - Exempts from prevailing wage requirements workers who only deliver and unload standard materials, supplies, or equipment.
SSB 5686	King	Wage Surveys - Requires contractors to submit prevailing wage surveys in order to bid on public works. Requires the Department of Labor and Industries to provide current surveys to contractors when they renew their registration.
<i>SAFETY AND HEALTH</i>		
HB 1110	Taylor	Asbestos Abatement Projects - Requires an employer to comply with federal standards for the purposes of respirator selection in asbestos abatement projects and, to the extent state rules are inconsistent, specifies that the federal rule controls.
<i>WAGE AND HOUR</i>		
HB 1150	Condotta	Training Wage - Allows employers to pay new employees a training wage for a training period up to 680 hours.

BILL NO.	PRIME SPONSOR	BRIEF DESCRIPTION
HB 1346	Manweller	Tipped Employee Wages - Permits employers to pay tipped employees a minimum wage of \$7.25 per hour. Requires employers to pay the difference between the state minimum wage and \$7.25 per hour if an employee's average tipped wage rate is not at least the state minimum wage rate. Requires the Department of Labor and Industries to convene a study group.
HB 1462	Manweller	Minimum Wage and Overtime Defense - Limits the liability of an employer for failing to pay minimum wage or overtime compensation when the employer acted in good faith and in conformity with a rule, administrative policy, or written order of the Department of Labor and Industries.
HB 2032	Green	Minimum Wage - Specifies that, if per capita personal income for Washington satisfies two conditions, the state minimum wage rate is adjusted using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), plus 3 percent.
SB 5158	Braun	Minimum Wage and Overtime Defense - Limits the liability of an employer for failing to pay minimum wage or overtime compensation when the employer acted in good faith and in conformity with a rule, administrative policy, or written order of the Department of Labor and Industries. Identical to HB 1462.
WORKERS' COMPENSATION		
HB 1097	Hurst	Structured Settlements - Eliminates the age requirement for entering into structured settlements. Specifies that the requirement for a structured settlement agreement does not include finding that the agreement is in the best interest of the worker if the worker is represented by an attorney.
HB 1316	Springer	Retrospective Rating Plans - Authorizes retrospective rating plan employers and groups to schedule medical examinations and consultations and vocational rehabilitation assessments. Requires the Joint Legislative Audit and Review Committee's audit of the workers' compensation claims management system to include the scheduling authority granted to retrospective rating plan employers and groups.
HB 1354	Reykdal	Self-Insurer Delay or Refusal to Pay Benefits/Attorneys' Fees - Provides that penalties paid by a self-insurer for unreasonably delaying or refusing to pay benefits must be paid to the claimant along with the benefits. Provides for attorneys' fees when the Board of Industrial Insurance Appeals reverses or modifies Department of Labor and Industries decisions denying the reopening of a claim resolved with a structured settlement agreement, denying treatment or payment for treatment, or segregating a medical condition as unrelated to a claim.
HB 1355	Ormsby	Definitions - Adds definitions of third-party administrator, claims management entity, and self-insured employer.
HB 1357	Green	Information, Timeframes, and Claim Files - Requires self-insured employers, when issuing payments to workers, to provide notice of the type of benefits and other information, and provides a penalty for failure to comply. Requires the Department of Labor and Industries to make a permanent disability determination within 60 days of a worker's request. Requires certain orders to include information regarding overpayments. Defines "claim file" to include electronic information, phone logs, and other information.

BILL NO.	PRIME SPONSOR	BRIEF DESCRIPTION
HB 1463	Manweller	Settlement Agreements /Multiple Permanent Partial Disability Awards - Creates a new settlement program with no age restriction or requirement that an agreement be structured. Allows settlement of medical aspects of a claim. Caps multiple permanent partial disability awards for one body part at 100 percent. Allows light duty or transitional work before the provider provides a statement that the work is consistent with the worker's medical restrictions.
HB 1464	Manweller	Wages/Benefits - Provides that for injuries in permanent employment, a worker's monthly wage is determined by an average of wages in the 12 months preceding injury. Defines "wages" to exclude health and other specified benefits. Sets time-loss, pension, and survivor benefits at 66 2/3 percent of wages, and caps benefits at 100 percent of the average monthly wage. Specifies that loss of earning power benefits are payable only until the worker's condition is medically fixed and stable.
HB 1465	Manweller	Third-Party Recovery - Provides for reimbursement to the Department of Labor and Industries or self-insured employer from a third-party recovery for all economic and noneconomic damages, except loss of consortium.
HB 1616	Angel	Contractor Premium Liability - Applies the law specifying that a construction contractor is not liable for the industrial insurance premiums of a subcontractor if certain conditions are met to all contractors.
HB 1718	Pettigrew	For-Hire Vehicles, Limousines, and Taxicabs - Requires the Department of Labor and Industries to refund to for-hire, taxicab, and limousine businesses any payments made in settlement of claims for unpaid premiums prior to January 1, 2012.
SB 5112	Holmquist Newbry	Retrospective Rating Plans - Authorizes retrospective rating plan employers and groups to schedule medical examinations and consultations and vocational rehabilitation assessments. Requires the Joint Legislative Audit and Review Committee's audit of the workers' compensation claims management system to include the scheduling authority granted to retrospective rating plan employers and groups.
ESSB 5127	Holmquist Newbry	Structured Settlements - Lowers the age requirement to age 40 for workers to be eligible to enter into structured settlements. Specifies that the requirement for a structured settlement agreement does not include finding that the agreement is in the best interest of the worker if the worker is represented by an attorney.
ESSB 5128	Holmquist Newbry	Settlement Agreements/ Multiple Permanent Partial Disability Awards - Creates new settlement program with no age restriction or requirement that an agreement be structured. Caps multiple permanent partial disability awards for one body part at 100 percent. Allows light duty or transitional work before the provider provides a statement that the work is consistent with the worker's medical restrictions.

2013 FINAL REPORT
House Labor and Workforce Development Committee

Selected Bill of Interest to the Committee

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
HB 2044	Hunter	Family Leave Implementation - Delays the payment of family leave insurance benefits until the Legislature appropriates funding and enacts an implementation date.	C 26 L 13