

# 2017 FINAL REPORT

HOUSE LABOR & WORKPLACE STANDARDS COMMITTEE

2017 Regular Session and 1st, 2nd, and 3rd Special Sessions

**2017 FINAL REPORT**  
**House Labor and Workplace Standards Committee**

**Summary of Major Legislation**

**BUILDING AND CONSTRUCTION**

As in most years, the Committee again considered a number of bills dealing with building and construction programs managed by the Department of Labor and Industries (Department).

**HB 1716**, a Department request bill, was signed by the Governor during the 3rd special session. The bill creates a dedicated account for the contractor registration, conveyance, and factory assembled structures programs at the Department. Fees for the programs will be deposited into the new account, rather than the State General Fund.

Another Department request bill would have created a new Class B elevator permit under which certain work would be inspected on a random rather than mandatory basis. **HB 1408** died in Committee and the companion bill, **SSB 5340**, died in the Appropriations Committee.

An electrical bill, **SHB 1952**, would have allowed cities that conduct electrical inspections to enforce electrical licensing and certification requirements. Currently, about 25 cities have their own electrical programs and conduct inspections. The bill passed the House and died in the Senate Commerce, Labor and Sports Committee.

**COLLECTIVE BARGAINING**

There were several collective bargaining bills referred to the Committee, but not heard. Some were similar to bills introduced in previous sessions. **HB 1006**, also referred to as the "right to work" bill, would have prohibited employers and labor unions from deducting union dues from employees' wages without the employee's written authorization. Other bills, such as **HB 1951** and **HB 1287**, generally would have required public employee contract negotiations to be open to the public. **HB 1143** would have required that local ordinances regarding work hours and scheduling apply equally to union and nonunion employers and prohibited waiver by a collective bargaining agreement.

Regarding public access to collective bargaining agreements and negotiations, **SB 5969** was not referred to the Committee but was enacted in the 3rd special session. Under this bill, the Office of Financial Management must maintain a website with copies and summaries of tentatively agreed to collective bargaining agreements, and the Governor must convene at least six meetings of the Joint Committee on Employment Relations.

Bills that were heard in the Committee include **HB 1869**, which would have, among other things, provided for collective bargaining for language access providers who provide

services for the Department of Labor and Industries. The bill did not pass out of Committee.

Similar to a bill last session, **HB 1237**, which passed the House but died in the Senate Commerce, Labor and Sports Committee, would have allowed community and technical colleges to provide additional compensation to academic employees that exceeds what is provided by the Legislature.

## **EMPLOYMENT – GENERAL**

The Committee continued its discussion of noncompetition agreements. Nearly all of the law regarding noncompetition agreements is common law. **EHB 1967**, which died in the Senate Rules Committee, would have created three statutory provisions. First, if a court reformed an unreasonable noncompetition agreement, the party seeking to declare the agreement void would be deemed the prevailing party under the contract and in law. Second, an employee who was required to enter into a noncompetition agreement the employer knew was unenforceable would be entitled to damages. Finally, employers would be required to disclose the term of a noncompetition agreement in writing no later than the acceptance of the offer of employment or provide independent consideration for the agreement.

The Committee also again passed out legislation that would have made lawful permanent residents eligible for city police and fire department civil service positions, county sheriff civil service positions, and Washington State Patrol officer positions. This legislation, **HB 1182**, died in the Senate Commerce, Labor and Sports Committee.

The issue of employment status and whether a worker is an employee or independent contractor has been a hot topic in current events and with the Legislature. **SHB 1300** is very similar to bills considered in prior years. This bill would have prohibited misclassification of employees as independent contractors under a new Employee Fair Classification Act (EFCA). An independent contractor test in the EFCA would have replaced tests in many other areas of employment law, including unemployment insurance and workers' compensation. Bills addressing specific industries and employment status included **HB 1575**, which would have exempted from unemployment insurance services performed by commercial transportation service drivers (i.e., Uber and Lyft drivers). Similarly, **HB 1780** would have exempted from workers' compensation truck drivers providing services as licensed motor carriers to freight brokers, and **HB 1386** would have exempted language translators and interpreters working through an agent or broker from both workers' compensation and unemployment insurance. These three bills did not receive hearings.

**HB 2109** also did not receive a public hearing but was briefly discussed during a Committee work session on portable benefits. **HB 2109** would have required certain businesses to make monetary contributions to pay for industrial insurance, health care, and other benefits to workers providing services to consumers through contracting agents.

## **EMPLOYMENT – DISCRIMINATION**

The Committee heard several bills focusing on discrimination in the workplace. Two House bills were introduced, and a Senate bill was eventually enacted, that prohibit discrimination in the workplace against pregnant employees. The enacted Senate bill, **SSB 5835**, makes it an unfair practice for an employer that employs 15 or more employees to refuse to make reasonable accommodations for an employee's pregnancy and pregnancy-related health conditions. The Attorney General is responsible for investigating complaints, and the bill provides for a civil cause of action. The House bills addressing pregnancy discrimination were **HB 1796** (similar to SSB 5835) and **HB 1448**, which differed slightly from the other bills by, among other things, enumerating accommodations that were not considered an "undue hardship" on the employer and providing for a civil cause of action after administrative proceedings are exhausted.

**HB 1298**, which is often referred to as "ban the box" legislation, was similar to bills introduced in previous sessions. It would have prohibited an employer from including any question on an application about or inquiring into an applicant's criminal background until after the employer initially determined that the applicant was otherwise qualified for the job described. The bill exempted certain employers, such as law enforcement agencies and employers hiring for positions where the employee would have access to minors and vulnerable adults. The bill would have granted enforcement authority to the Attorney General's office. After a hearing, the bill did not move out of the Senate Commerce, Labor and Sports Committee. **SB 5312**, an unofficial companion to HB 1298, was almost identical to the House bill. SB 5312 included a statewide preemption clause, but that provision was removed by the Committee. The bill died on the House second reading calendar.

**ESHB 1506** and **HB 1447** both would have amended the state's Equal Pay Act and also prohibited retaliation against employees for certain pay discussions. ESHB 1506 also would have prohibited discrimination in providing employment opportunities based on gender. The bills also differed in the definitions, defenses, and remedies, as well as in other matters. HB 1447 died in Committee and ESHB 1506 died in the Senate Commerce, Labor and Sports Committee. A related bill was **HB 1533**, which would have prohibited an employer from seeking an applicant's wage or salary history or requiring that wage or salary meet certain criteria. The bill also would have required employers to provide certain wage and salary information to employees and applicants.

Medical marijuana patients in the work place was the subject of **HB 1094**, which died in Committee. The bill would have prohibited an employer from discriminating against a medical marijuana qualifying patient because of the individual's status as a qualifying patient or positive drug test. Use or possession of marijuana, or impairment by marijuana, on the premises or during work hours would not have been protected.

## **EMPLOYMENT – LEAVE**

In 2007, a framework for family leave insurance was enacted. This year, the Legislature passed **SSB 5957**, which creates and implements a paid family and medical leave insurance program. While SSB 5957 did not go through the Committee, the Committee passed a related bill, **SHB 1116**. Under SSB 5957, beginning January 1, 2020, employees who work at least 820 hours in a qualifying period will be eligible for family leave benefits for the birth or placement of a child or because of a family member's serious health condition. In addition, employees will be eligible for medical leave benefits for their own serious health condition. The maximum duration of benefits is 12 weeks in a 52-week period for each of family and medical leave, with a 16 week cap (2 additional weeks for pregnancy incapacity). Employees pay the premium for family leave benefits and the medical leave premium is shared between employers and employees. The amount of the benefit depends on the employee's wages, with lower wage employees receiving a higher percentage of wages. Premiums begin January 1, 2019.

## **SAFETY AND HEALTH**

To maintain its status as a "state plan state" under the Occupational Safety and Health Act (OSHA), Washington's standards must be at least as effective as OSHA's standards. In response to OSHA's adjustment of maximum penalties for violations of workplace safety and health standards, the Department requested legislation, **HB 1953**, to allow the Department to impose any higher penalty amounts established by OSHA. The bill died on the Senate Second Reading calendar.

**HB 1669**, which died in House Rules, would have established minimum crew size requirements for freight and passenger trains and trains carrying hazardous materials. The bill also would have created exceptions for certain trains and increased monetary penalties for violations.

## **UNEMPLOYMENT INSURANCE**

See "Employment – General"

## **WAGE AND HOUR**

A couple of bills were introduced, but not heard, that were in response to the recent increase in the state minimum hourly wage. **HB 1724** would have reduced the minimum hourly wage from \$11 to \$10 and would have provided a different minimum wage for workers under 18 years old. **HB 2065** would have established regional minimum hourly wage rates.

Meal and rest breaks were the issue in both **HB 1715** and **HB 2049**. Similar to bills introduced in previous sessions, **HB 1715** would have required that certain hospital employees be allowed to take uninterrupted meal and rest periods that are not

intermittent, except under limited circumstances. It also would have amended the prohibition on mandatory overtime in health care facilities by, among other things, expanding the category of employees to which the prohibition applies. The bill died in the Senate Commerce, Labor and Sports Committee

**HB 2049** focused on certain agricultural workers and would have provided an affirmative defense to a civil cause of action for wages if the employer paid workers up to three years of back wages for uncompensated break times and rest periods. The bill did not receive a hearing.

A new statutory lien for unpaid wages would have been created by **HB 1486**, which died in House Rules. The lien would have been applicable to real and personal property of the claimant's employer and to real property that the claimant maintained. The bill established procedures for recording, foreclosing, and extinguishing wage liens and established the priority of a wage lien over other liens.

As in 2015 and 2016, the Committee passed out an anti-retaliation, bill, **HB 1301**. The bill would have prohibited retaliation and created remedies in several wage and related laws. The bill died in the Appropriations Committee.

Several prevailing wage bills were repeat bills from 2015-16. These included **SHB 1673**, which would have required training in prevailing wages and public works to be a responsible bidder. In a change from the 2016 bill, **HB 2844**, SHB 1673 would have created an exemption from the training requirements for Washington bidders with public works experience. **HB 1674**, another repeat bill, would have required prevailing wage rates to be established based on collective bargaining agreements.

The issue of railroad yardmaster hours has been before the Committee several times. **HB 1670** would have required railroad carriers to observe requirements limiting the hours of service for those performing yardmaster duties. The bill died in the House Rules Committee.

## **WORKERS' COMPENSATION**

**HB 1729** addressed multiple aspects of workers' compensation. Among other changes, it would have: (1) Modified the definition of "occupational disease;" (2) lowered the age at which structured settlements are permitted from 50 to 18 years old; (3) provided that for purposes of distribution of amounts recovered from a third-party, the Department or self-insured employer may be reimbursed from amounts awarded for noneconomic damages; (4) granted self-insured employers responsibility to issue orders beginning July 1, 2019; (5) modified the "liberal construction" directive for interpreting the law; and (6) prohibited the Board of Industrial Insurance Appeals from giving special consideration to the opinions of attending physicians. This bill did not receive a hearing in the Committee.

Occupational disease was the subject of two bills. **HB 1655** would have provided that the exclusion from occupational disease for stress-caused mental conditions or disabilities

does not apply to members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). **HB 1723** would have created a presumption for Hanford nuclear site workers that certain enumerated diseases and conditions are occupational diseases. The bill would have also allowed a worker whose claim was previously denied to file a new claim for the same exposure. Both of these bills died in the Senate Commerce, Labor and Sports Committee.

Also see "Employment – General"

**2017 FINAL REPORT**  
**House Labor and Workplace Standards Committee**

**Bills Enacted**

BILL NO.	PRIME SPONSOR	SUMMARY
<i><b>BUILDING AND CONSTRUCTION</b></i>		
1329	McCabe	<b>Mobile and Manufactured Home Installation Penalties</b> - Replaces the mandatory penalty of \$1,000 for each infraction of the mobile and manufactured home installation requirements with a discretionary penalty not to exceed \$1,000.
1716	Hudgins	<b>Building and Construction - Dedicated Account</b> - Creates a dedicated account for the Department of Labor and Industries' conveyance, factory assembled structures, and contractor registration programs. Specifies that fines and penalties must be deposited in the State General Fund. Requires that, until June 30, 2023, 7 percent of revenues received into the new account must be transferred to the State General Fund each quarter.
<i><b>EMPLOYMENT - GENERAL</b></i>		
1906	Orcutt	<b>Farm internship pilot project</b> - Extends the farm internship pilot project from December 31, 2017, to December 31, 2019. Adds Clark, Cowlitz, Lewis, and Walla Walla counties to the pilot project.
5835	Keiser	<b>Reasonable accommodations for pregnancy</b> - Requires employers that employ 15 or more employees to provide reasonable accommodations for an employee's pregnancy and pregnancy-related health conditions. Requires the Attorney General to investigate complaints, and provides a civil cause of action. Requires certain health facilities to establish skin-to-skin contact and room-in policies for newborn infants. Creates the Healthy Pregnancy Advisory Committee to develop a strategy to improve health outcomes for mothers and infants.

<b>EMPLOYMENT - LEAVE</b>		
5975*	Fain	<b>Paid Family and Medical Leave</b> - Provides up to 12 weeks paid family leave 1) after the birth or placement of a child, 2) to care for a family member with a serious health condition, or 3) because of a military exigency. Provides up to 12 weeks paid medical leave for an employee's serious health condition. Establishes a combined leave limit of 16 weeks in a year, with an additional two weeks for incapacity due to pregnancy. Provides that benefits begin January 1, 2020. Requires employees to work 820 hours in the qualifying period to be eligible. Establishes a total premium of 0.40 percent of wages beginning January 1, 2019. Provides for employees to pay 100 percent of the premium portion that is for family leave and 45 percent of the premium portion that is for medical leave. Allows employers to pay the employee's share of the premium. Provides that small businesses are not required to pay the employer share of the premium. Provides for benefits based on an employee's wages, with lower wage employees receiving a higher percentage of wages in benefits. Provides job protection for certain employees on leave. Allows employers to offer alternative voluntary plans if the plans meet specified criteria. Allows tribes and self-employed individuals to elect coverage. Provides for grants to small businesses that elect to pay premiums to offset costs of an employee on leave. Authorizes unemployment insurance charge relief for employers that hire temporary replacement workers.
<b>SAFETY AND HEALTH</b>		
1629	Sells	<b>Redetermination Timeline</b> - Changes the time extension to resolve a Washington Industrial Safety and Health Act appeal on reassumption of the appeal by the Department of Labor and Industries from 15 to 45 days.
<b>WAGE AND HOUR</b>		
1530	Gregerson	<b>Vacation leave accrual</b> - Allows represented state ferry employees to continue to accrue unused vacation leave in excess of the statutory maximum, but not to exceed 320 hours, if the existing collective bargaining agreement allows for such accrual.
5301**	Miloscia	<b>Responsible bidder - wage violations</b> - Adds to the responsible bidder criteria the requirement that a bidder not have specified wage violations in the preceding three years.

<i><b>WORKERS' COMPENSATION</b></i>		
1755	Manweller	<b>Notice to State Fund employers regarding third-party negotiations</b> - Requires the Department of Labor and Industries to provide notice of any third-party recovery compromise or settlement negotiations to State Fund employers.

\*SSB 5975 was not referred to the Committee but the Committee passed out a similar bill (HB 1116).

\*\*SSB 5301 was not referred to the Committee but relates to the work of the Committee.

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**House Labor and Workplace Standards Committee**

**Other Bills Passed Out of Committee\***

BILL NO.	PRIME SPONSOR	SUMMARY	STATUS
<i><b>BUILDING AND CONSTRUCTION</b></i>			
1716	Hudgins	<b>Dedicated account</b> - Creates a dedicated account for the Department of Labor and Industries' conveyance, factory assembled structures, and contractor registration programs. Specifies that fines and penalties must be deposited in the State General Fund. Requires that, until June 30, 2023, 7 percent of revenues received into the new account must be transferred to the State General Fund each quarter.	SWays & Means
1855	Blake	<b>Electrical contractor vehicles</b> - Requires vehicles used by electrical contractors to be marked with the contractor's business name and contractor license number.	SCom/Labor/Spor
1952	Blake	<b>Electrical - city enforcement</b> - Permits cities that conduct electrical inspections to enforce electrical licensing and certification requirements. Makes the member of the Electrical Board who is a city or town building official a voting, rather than a nonvoting, member.	SCom/Labor/Spor
5340	Keiser	<b>Elevator class B permit</b> - Allows the Department of Labor and Industries to issue a new class B elevator work permit that allows certain work to be subject to random, rather than mandatory, inspections.	HApprops

**\*This summary describes the bill at the highest status attained in the House. The status indicated is prior to the transmission of bills to the original house and adjournment sine die.**

<i>COLLECTIVE BARGAINING</i>			
1237	Sells	<b>Academic employee compensation</b> - Allows Board of Trustees of community and technical colleges to provide additional compensation to academic employees that exceeds what is provided by the Legislature.	SCom/Labor/Spor
1559	Goodman	<b>Interest arbitration</b> - Provides binding interest arbitration for police officers employed by the state universities, regional universities, and the Evergreen State College.	HApprops
<i>EMPLOYMENT - DISCRIMINATION</i>			
1298	Ortiz-Self	<b>Pre-employment inquiries - criminal records</b> - Prohibits an employer from, among other things, including any question on an application or inquiring into an applicant's criminal background until after the employer initially determines the applicant is otherwise qualified for the position. Exempts certain employers, such as law enforcement and employers hiring persons who will have access to vulnerable adults and minors. Authorizes the Attorney General to enforce the provisions.	SCom/Labor/Spor
1506	Senn	<b>Equal pay opportunity</b> - Modifies the Equal Pay Act by defining "similarly employed," modifying defenses, and making other changes. Prohibits discrimination in providing employment opportunities based on gender. Prohibits retaliation for certain workplace discussions about wages and other matters.	SRules 2
1533	Dolan	<b>Wage and salary information</b> - Prohibits an employer from seeking an applicant's wage or salary history or requiring that wage or salary meet certain criteria. Requires employers to provide certain wage scales and salary ranges to employees and upon request, to applicants.	HRules R

1796	Farrell	<p><b>Reasonable accommodation for pregnancy</b>  - Provides that it is an unfair practice for an employer (that employs 15 or more employees) to refuse to make reasonable accommodations for an employee's pregnancy and pregnancy-related health conditions. Requires the Attorney General to investigate complaints, and provides a civil cause of action. Creates the Healthy Pregnancy Advisory Committee to develop a strategy to improve health outcomes for mother and infants.</p>	S Rules
<b><i>EMPLOYMENT - LEAVE</i></b>			
1116	Robinson	<p><b>Family and medical leave insurance -</b>  Provides benefits for individuals on leave for a family member's or the individual's own serious health condition or for a military exigency, in addition to leave for a child's birth or placement. Allows 26 weeks of leave for birth or placement of a child, a family member's serious health condition, or a military exigency, beginning October 1, 2019, plus beginning October 1, 2020, 12 weeks of leave for an individual's own serious health condition. Establishes eligibility as 340 hours in the individual's qualifying year, rather than 680 hours. Bases benefits on the individual's wages rather than a flat amount. Specifies a premium of 0.255 percent of wages beginning on July 1, 2018, and then 0.51 percent of wages beginning on January 1, 2020, with subsequent annual adjustments, and allows employers to deduct one-half of premiums from employee wages.</p>	HRules R

<b>EMPLOYMENT - GENERAL</b>			
1182	Stokesbary	<b>Civil service/lawful permanent resident -</b> Provides that city police and fire department and county sheriff civil service applicants may be lawful permanent residents as an alternative to United States citizens. Allows a city police or county sheriff law enforcement agency to reject an application if the agency deems that it does not have the resources to conduct the background investigation. Changes the background investigation for a fully commissioned peace officer or reserve officer to include proof of lawful permanent resident status as an alternative to United States citizenship.	SCom/Labor/Spor
1300	Riccelli	<b>Misclassification/independent contractors -</b> Creates the Employee Fair Classification Act, which prohibits misclassification of employees as independent contractors and creates remedies, including civil penalties and damages. Defines "independent contractor" for purposes of the Employee Fair Classification Act and establishes the same definition for purposes of the Minimum Wage Act, unemployment insurance, industrial insurance, and other employment laws.	HApprops
1715	Riccelli	<b>Health care employees' meal and rest breaks and overtime -</b> Provides that certain hospital employees must be allowed to take uninterrupted meal and rest periods that are not intermittent, except under certain circumstances. Amends the prohibition on mandatory overtime in health care facilities by including additional employees, prohibiting the employer from using prescheduled on-call time to fill foreseeable shortages, and making other changes.	SCom/Labor/Spor

1967	Stanford	<b>Noncompetition agreements</b> - Provides that if a court reforms an unreasonable noncompetition agreement, the party seeking to declare the agreement void is deemed the prevailing party under the agreement and in law. Allows damages for an employee required to enter into a noncompetition agreement the employer knows is unenforceable. Requires employers to disclose the term of a noncompetition agreement in writing no later than the acceptance of the offer of employment or provide independent consideration.	SRules 2
5312	Baumgartner	<b>Pre-employment inquiries - criminal records</b> - Prohibits an employer from, among other things, including any question on an application or inquiring into an applicant's criminal background until after the employer initially determines the applicant is otherwise qualified for the position. Exempts certain employers, such as law enforcement, employers hiring persons who will have access to vulnerable adults and minors, and employers hiring for positions that include residential delivery services. Authorizes the Attorney General to enforce the provisions.	HApprops
<b><i>SAFETY AND HEALTH</i></b>			
1953	Dolan	<b>Washington Industrial Safety and Health Act penalties</b> - Adjusts penalty maximum and minimum amounts for Washington Industrial Safety and Health Act violations by specifying any higher amounts required by the Occupational Safety and Health Administration.	S 2nd Reading
1669	Farrell	<b>Train crew size requirements</b> - Establishes minimum crew size requirements for freight and passenger trains and trains carrying hazardous materials. Creates exceptions for certain trains transporting hazardous material at slower speeds and shorter distances. Increases monetary penalties for violations. Defines what hazardous material and hazardous material trains are, based on federal definitions.	HRules R

1670	Gregerson	<b>Yardmaster hours of service</b> - Requires railroad carriers to observe rules limiting the hours of service for individuals performing yardmaster duties. Prohibits railroad carriers from communicating with an individual who performs yardmaster duties in a way that disrupts the individual's rest during an off-duty period.	HRules R
<b><i>UNEMPLOYMENT INSURANCE**</i></b>			
<b><i>WAGE AND HOUR</i></b>			
1301	Ryu	<b>Retaliation</b> - Creates parallel retaliation provisions in several wage and related laws and establishes criminal penalties and administrative and court enforcement for violation of retaliation provisions.	HApprops
1302	Frame	<b>Civil damages</b> - Provides for triple, rather than double the amount of wages owed, if an employer is found in a civil law suit to have willfully and intentionally deprived an employee of wages. Removes the provision limiting recovery if the employee knowingly submitted to the wage violation.	HRules R
1486	Gregerson	<b>Wage liens</b> - Creates a statutory wage lien for unpaid wages that applies to real and personal property of the claimant's employer and to real property that the claimant has maintained. Establishes procedures for recording, foreclosing on, and extinguishing wage liens. Provides that wage liens have priority over all other debts, judgements, and liens, except for tax liens and other statutory liens based on money owed to employees. Provides that wage liens have priority over a financial institution's security interest, up to 4 percent of the security interest.	HRules R
1672	Frame	<b>Prevailing wage tolling</b> - Provides that the time period for recovery of wages owed to a worker affected by a prevailing wage determination is tolled until the determination is final.	SCom/Labor/Spor

1673	Doglio	<b>Public works/prevaling wage training</b> - Requires training in public works and prevailing wage to be a responsible bidder on public works. Exempts bidders who have completed three or more public works projects and have had a Washington business license for at least three years.	SCom/Labor/Spor
1674	Ormsby	<b>Prevailing wage rate</b> - Requires the Department of Labor and Industries to establish the prevailing rate of wage using collective bargaining agreements.	SCom/Labor/Spor
1675	Sells	<b>Prevailing wage posting requirement</b> - Creates a civil penalty of \$500 for a contractor who fails to post a statement of intent to pay prevailing wages and related information. Provides that a violation of the posting requirement is a strike for purposes of prevailing wage debarment.	SCom/Labor/Spor
<b><i>WORKERS' COMPENSATION**</i></b>			
1227	Pike	<b>Correctional industries</b> - Requires the Department of Corrections to pay workers' compensation premiums for inmates participating in certain correctional industries programs.	HApprops
1336	Kirby	<b>Social security offset</b> - Eliminates the Social Security retirement offset for injured workers who either were receiving or had applied to receive Social Security benefits before being injured.	HRules R
1655	Lovick	<b>Stress-caused occupational disease</b> - Provides that the exclusion for stress-caused mental conditions or disabilities from occupational disease does not apply to members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF).	SCom/Labor/Spor

1723	Haler	<p><b>Occupational disease presumption -</b>  Creates a presumption for Hanford nuclear sit workers that certain enumerated diseases and conditions are occupational diseases.  Provides that the presumption may be rebutted by clear and convincing evidence.  Allows a worker or survivor of a worker, whose claim was previously denied, to file a new claim for the same exposure.</p>	SCom/Labor/Spor
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**\*\*Also see Employment – General.**

**2017 FINAL REPORT**  
**House Labor and Workplace Standards Committee**

**Bills Referred to Committee**

BILL NO.	PRIME SPONSOR	SUMMARY
<i><b>BUILDING AND CONSTRUCTION</b></i>		
1408	Manweller	<b>Elevator class B permit</b> - Allows the Department of Labor and Industries to issue a new class B elevator work permit that allows certain work to be subject to random, rather than mandatory, inspections.
1430	Manweller	<b>Electrical rules</b> - Requires the Department of Labor and Industries, the Washington Cities Electrical Committee, and the Technical Advisory Committee to have an equal vote in the adoption of non-administrative electrical rules.
1871	Sells	<b>Electrical and plumbing - state agency employees</b> - Provides that beginning January 1, 2022, the exemption from plumbing and electrical licensing and certification requirements for owners do not apply to state agencies. Requires the Department of Labor and Industries to study and make recommendations on electrical and plumbing apprenticeship programs for state employees by December 1, 2017.
1890	Robinson	<b>Plumbing - penalties and advisory committee</b> - Modifies the penalties for performing plumbing work without a certificate and for other violations of the plumbing provisions. Adds members to the State Advisory Board of Plumbers.

2123	Manweller	<p><b>Electrical - certification</b> - Codifies rule that allows experience required for the HVAC/refrigeration restricted specialty certification to be credited towards the experience required for the HVAC/refrigeration specialty certification. Allows experience required for the restricted nonresidential maintenance specialty certification to be credited towards the experience required for the nonresidential maintenance specialty certification. Allows persons with 8,000 hours work experience that is part of their normal job duties, including tasks not directly related to electrical, to take specified specialty examinations. Allows persons to take certain specialty examinations if they were engaged in a bona fide business or trade as a worker meeting the scope of work of the specialty before January 1, 2002. Allows certain military applicants to take specified specialty examinations on completion of 96 hours of training classes.</p>
<p><b><i>COLLECTIVE BARGAINING</i></b></p>		
1006	Shea	<p><b>Union dues</b> - Prohibits the mandatory deduction of wages for union dues, unless the employee provides written consent. Exempts certain represented employees, including certain law enforcement officers, correctional employees, firefighters, and the Washington State Patrol.</p>
1007	Shea	<p><b>Right of non-association</b> - Allows a public employee to exercise the right of nonassociation with a union based on bona fide personally held religious beliefs, rather than on religious tenets or teachings of a church or religious body. Allows the employee's fee to go towards an employee-selected charity in the state Combined Fund Drive, rather than a charity agreed to by the employee and the union.</p>
1143	Manweller	<p><b>Local ordinances on hours and scheduling</b> - Provides that local ordinances regarding work hours and scheduling must be the same for union and non-union employers and may not be waived by a collective bargaining agreement.</p>

1287	Chandler	<b>Open negotiations</b> - Requires collective bargaining negotiations to be open to the public and defines what is feasible financially for the state, for the purposes of the Office of Financial Management certifying collective bargaining agreements.
1607	Pike	<b>Certification elections</b> - Requires elections every two years for certification of public employee bargaining representatives. Requires the ballots to include an option for no union representation and for selection of any other bargaining representative that has interest from at least 10 percent of the bargaining unit.
1941	Ryu	<b>Unfair labor practice - tax credits</b> - Provides that a person may not benefit from a tax credit or tax incentive if, within the previous five years, the National Labor Relations Board or a court determined that the person engaged in an unfair labor practice of unlawfully discharging, locking out, laying off, or suspending employees.
1951	Manweller	<b>Open negotiations</b> - Requires collective bargaining negotiations to be open to the public via live or by video-taping negotiations and making them available to the public.
5339	O'Ban	<b>Right of non-association</b> - Allows a public employee to exercise the right of nonassociation with a union based on bona fide personally held religious beliefs, rather than on religious tenets or teachings of a church or religious body. Allows the employee's fee to go towards an employee-selected charity in the state Combined Fund Drive, rather than a charity agreed to by the employee and the union.
5533	Rossi	<b>Contributions to gubernatorial candidates</b> - Prohibits any entity that engages in collective bargaining with the Governor from making contributions to any candidate for Governor. Prohibits any political committee from making any independent expenditure in support of or in opposition to any candidate for Governor or making contributions to any candidate for Governor unless certain conditions are met. Provides for a referendum.

<b><i>EMPLOYMENT - DISCRIMINATION</i></b>		
1094	Sawyer	<b>Medical marijuana</b> - Prohibits an employer from discriminating against a medical marijuana qualifying patient because of the individual's status as a qualifying individual or positive drug test. Allows an employer to discriminate if the qualifying patient used, possessed, or was impaired by marijuana on the premises or during work hours, or if compliance would cause employer to lose a benefit under federal law. Strikes language stating that employers may establish drug free work policies and that accommodation for medical use of marijuana is not required.
1447	Kraft	<b>Equal Pay Act and wage discussions</b> - Modifies the Equal Pay Act by defining equal work, revising defenses, and making other changes. Prohibits retaliation for certain workplace discussions about wages.
1448	Caldier	<b>Reasonable accommodations for pregnancy</b> - Requires employers with 15 or more employees to provide reasonable accommodations to employees for pregnancy and childbirth-related health conditions, if requested with written certification from a health care provider, unless the employer demonstrates undue hardship. Provides that certain accommodations are not undue hardship. Requires the Attorney General's Office to investigate complaints and provides for a civil cause of action after administrative proceedings are exhausted.
5312	Baumgartner	<b>Pre-employment inquiries into criminal background</b> - Prohibits an employer from, among other things, including any question on an application or inquiring into an applicant's criminal background until after the employer initially determines that the applicant is otherwise qualified for the position. Exempts certain employers from the prohibition. Authorizes the Attorney General to enforce the provisions and impose penalties.
<b><i>EMPLOYMENT - GENERAL</i></b>		
1386	Stambaugh	<b>Translators and interpreters</b> - Provides that services performed by language translators and interpreters working through an agent or broker are excluded from workers' compensation and unemployment insurance.

1869	Orwall	<p><b>Interpreter services</b> - Requires the Department of Labor and Industries (L&amp;I), the Department of Social and Health Services, the Health Care Authority, and the Department of Enterprise Services (DES) to purchase in-person spoken language interpreter services directly from language access providers or through contracts with scheduling and coordinating delivery organizations, or both. Provides for collective bargaining for language access providers who provide services for the L&amp;I. Requires the DES to develop a model that all executive branch state agencies must use to procure spoken language interpreter services.</p>
1881	McCabe	<p><b>Franchisor employer status</b> - Provides that for purposes of several employment laws, a franchisor is not an employer of a franchisee or of the franchisee's employees. Applies to minimum wage and other wage and related laws, workers' compensation, unemployment insurance, the Washington Industrial Safety and Health Act, and the Washington Law Against Discrimination.</p>
2109	Farrell	<p><b>Portable benefits and gig economy</b> - Requires certain businesses to make monetary contributions to qualified benefit providers to go towards benefits, such as industrial insurance, health care, and retirement, for workers. Establishes contribution rates and criteria for qualified benefit providers and requires implementation by the Department of Labor and Industries.</p>
5620	King	<p><b>Transportation network companies</b> - Establishes statewide regulations for transportation network companies (TNC), including requirements for annual permits, minimum qualifications for TNC drivers, and standards for vehicles used by TNC drivers. Requires a passenger surcharge fee to fund enforcement and, in certain jurisdictions, to offset costs associated with improving transportation options for persons with disabilities. Creates civil penalties for violations of regulatory provisions. Provides statewide preemption of the field of TNCs regarding licensing, drivers, rates, and operational requirements. Provides that TNC drivers are independent contractors and not employees of the TNC if certain conditions are met.</p>

<b>UNEMPLOYMENT INSURANCE**</b>		
1575	Pettigrew	<b>Commercial transportation services</b> - Provides that services performed by drivers of commercial transportation services are not employment for purposes of unemployment insurance.
1580	Young	<b>Community service</b> - Requires claimants to perform at least 20 hours of community service or 15 hours as a voluntary firefighter for every four weeks of benefits.
1610	Manweller	<b>Services by individuals age 14 to 22</b> - Excludes services performed by individuals age 14 to 22 for purposes of premiums.
1942	Fey	<b>Benefit overpayment due to lockout award or settlement</b> - Provides that the Employment Security Department must assess any overpayment of benefits due to a back pay award or settlement that is the result of a lockout against the employer rather than the recipient.
5233	Mullet	<b>Translators and interpreters</b> - Provides that services performed by language translators and interpreters work through an agent or broker are excluded from workers' compensation and industrial insurance.
5362	Braun	<b>Transportation network companies</b> - Provides that services performed by drivers of commercial transportation services are not employment for purposes of unemployment insurance.
<b>WAGE AND HOUR</b>		
1035	Manweller	<b>Prevailing wage surveys</b> - Requires the Department of Labor and Industries to notify a contractor when a third party has filed a wage survey on the contractor's behalf without obtaining the contractor's signature.
1083	Manweller	<b>Prevailing wage - intents and affidavits</b> - Provides an exemption from the requirement to file intents and affidavits for contractors whose contract amounts are less than \$750.

2049	Blake	<b>Agricultural workers - remedial compensation</b> - Provides certain agricultural employers an affirmative defense to a civil cause of action for wages if the employer pays up to three years of back wages to employees for uncompensated break times and rest periods. Establishes procedures for employers to make reasonable efforts to locate employees for remedial compensation.
2065	Condotta	<b>Minimum wage</b> - Establishes regional minimum hourly wages and allows the cities of Seattle, SeaTac, and Tacoma to base the hourly wage on that city's ordinance. Provides an hourly wage of \$11.50 for Snohomish, Thurston, and Spokane, and areas of King and Pierce counties that are outside the cities of Seattle, SeaTac, and Tacoma, and \$10 for all other counties.
5720	Hawkins	<b>Agricultural workers - remedial compensation</b> - Provides certain agricultural employers an affirmative defense to a civil cause of action for wages if the employer pays up to three years of back wages to employees for uncompensated break times and rest periods. Establishes procedures for employers to make reasonable efforts to locate employees for remedial compensation.
<b><i>WORKERS' COMPENSATION**</i></b>		
1228	Pike	<b>Use of liquor/drugs</b> - Provides that a worker is not entitled to workers' compensation benefits other than medical benefits if the worker's being under the influence of liquor or any drug was the primary cause of the workers' injury or death.

1729	Manweller	<p><b>Third-party recovery, occupational disease, structured settlements, self-insured claims, construction of statute, attending physicians</b> - Provides that for purposes of distribution of amounts recovered from a third-party, "recovery" includes noneconomic damages; modifies definition of "occupational disease" and statute of limitations for occupational disease claims; changes age at which structured settlements are permitted to 18 years old; requires self-insured employers to issue certain allowance orders and establishes time frames; requires the Department of Labor and Industries to develop a model for self-insured claims management and report to the Legislature by December 1, 2018 on any needed amendments; gives self-insured employers responsibility to issue all orders as of July 1, 2019; modifies "liberal construction" directive for interpreting the law; prohibits the Board of Industrial Insurance Appeals from giving special consideration to the opinions of attending physicians.</p>
1780	Kirby	<p><b>Owner-operator truck drivers</b> - Defines "truck" for purposes of the workers' compensation exemption for owner-operator truck drivers as any motor vehicle designed, used, or maintained primarily for the transport of property.</p>

**\*\*Also see Employment – General.**