



Update on Human Resources Response

2019 Employment Legislation & Regulatory Activities

Lorna Klemanski
August 19, 2019

2019 Legislative Action and Rulemaking Activities

Washington Legislature:

- ▶ Fourteen applicable bills enacted

Washington State Rulemaking Processes:

- ▶ Department of Labor & Industries
- ▶ Employment Security Department

Federal Rulemaking Processes:

- ▶ Fair Labor Standards Act

2019 Legislative Session

Low District Impact

- ▶ **No Change to District Practices Required**
 - ▶ I-1000 Washington State Diversity Equity, and Inclusion Act: Restoring affirmative action without use of quotas or preferential treatment*
 - ▶ HB 1575 Union dues deductions and waivers
 - ▶ HB 1930 Expression of breast milk
 - ▶ SB 5831 Payment of indebtedness upon death of an employee (specific to municipal employers)

2019 Legislative Session

Low District Impact (cont.)

- ▶ **Little or No District Action Required**
 - ▶ HB 1533 Domestic violence resources in the workplace
 - ▶ HB 1696 Wage and salary information
 - ▶ HB 2020 Exemption of names in employment investigations
- ▶ **Action by State Agencies Required**
 - ▶ HB 1408 Survivorship benefit options
 - ▶ SB 5350 PERS optional life annuity benefit
 - ▶ SB 5360 PERS plan choice defaults
 - ▶ SB 5398 Unemployment benefit eligibility for apprentices

2019 Legislative Session Significant Impact

- ▶ **Significant Cost, Risk or Administrative Impact Involved**
 - ▶ HB 1087 Long-term care service and support premiums
 - ▶ HB 1399 Paid Family Medical Leave (PFML) technical fix
 - ▶ SB 5163 Wrongful injury or death (beneficiaries entitled to recoveries and damages)

State Rulemaking Processes

Department of Labor & Industries

- ▶ Minimum Wage Act
 - ▶ Overtime exemptions 296-128-500 through 296-128-540:
 - ▶ Executive
 - ▶ Administrative
 - ▶ Professional
 - ▶ Computer Professional
 - ▶ Highly Paid Executive
 - ▶ Outside Salesperson
 - ▶ Salary Basis Thresholds
- ▶ Apprenticeship Utilization Requirements

State Rulemaking Processes

Employment Security Department

- ▶ Unemployment Insurance - multiple rule clarifications proposed
- ▶ Paid Family and Medical Leave - multiple rule clarifications being finalized

Federal Rulemaking Processes

Fair Labor Standards Act (FLSA)

- ▶ Minimum Salary Threshold for Exempt Classifications
- ▶ Regular Rate of Pay (for calculating the overtime rate)
- ▶ Joint Employer Liability
- ▶ Exemptions from Minimum Wage Act:
 - ▶ Executive
 - ▶ Administrative
 - ▶ Professional
 - ▶ Computer Professional
 - ▶ Highly Paid Executive
 - ▶ Outside Salesperson

Discussion



CHELAN COUNTY

Leave Type	Benefit Level	Eligibility / Use	Restrictions / Requirements
Paid Sick Leave Law (PSL)	1 hour/40 worked, generally 52 hours/year	Authorized for illness (self/family), sexual assault, domestic violence, stalking, school health closure. Pay is at rate employee would have received as scheduled.	Employees may not be disciplined for use; minimal notice required; cash-out allowed only at year-end and not required at termination
Paid Family & Medical Leave Insurance	12 wks medical or family leave, or up to 16 wks combined; pays up to 90% of average weekly wage: max \$1,000, min \$100	Medical leave is for employee's own illness; family includes illness of family member, birth of child, military events	Must have completed 820 hours with any WA employer in the qualifying period; employees (63%) & employers (37%) share premium costs of 0.4% up to Soc. Sec. cap
District PL Policy and CBA	168 hours/yr. at lowest level	May be used to receive pay for time not worked for any purpose; pay rate was at normal rate without upgrades	PSL eliminated ability to deny leave, eliminated ability to req advanced notice and eliminated our ability to req use of PL for time off; required elimination of emergency cash-out
Short-Term Disability Benefit	75% of eligible earnings for up to 180 days	Must be sick or injured and unable to work due to a qualifying disability	Begins after unable to work for 40 consecutive hours