Update on Human Resources
Response
2019 Employment Legislation & Regulatory Activities

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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
<table>
<thead>
<tr>
<th>Leave Type</th>
<th>Benefit Level</th>
<th>Eligibility / Use</th>
<th>Restrictions / Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Sick Leave Law (PSL)</td>
<td>1 hour/40 worked, generally 52 hours/year</td>
<td>Authorized for illness (self/family), sexual assault, domestic violence, stalking, school health closure. Pay is at rate employee would have received as scheduled.</td>
<td>Employees may not be disciplined for use; minimal notice required; cash-out allowed only at year-end and not required at termination</td>
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<tr>
<td>Paid Family &amp; Medical Leave Insurance</td>
<td>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</td>
<td>Medical leave is for employee’s own illness; family includes illness of family member, birth of child, military events</td>
<td>Must have completed 820 hours with any WA employer in the qualifying period; employees (63%) &amp; employers (37%) share premium costs of 0.4% up to Soc. Sec. cap</td>
</tr>
<tr>
<td>District PL Policy and CBA</td>
<td>168 hours/yr. at lowest level</td>
<td>May be used to receive pay for time not worked for any purpose; pay rate was at normal rate without upgrades</td>
<td>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</td>
</tr>
<tr>
<td>Short-Term Disability Benefit</td>
<td>75% of eligible earnings for up to 180 days</td>
<td>Must be sick or injured and unable to work due to a qualifying disability</td>
<td>Begins after unable to work for 40 consecutive hours</td>
</tr>
</tbody>
</table>