Paid Sick Leave

4 states down, 46 to go...

Flu season may be in the rear view mirror, but the effect sick employees or their family members have on your bottom line probably is not. In 2011, Connecticut became the first state to require that all employers provide paid sick leave to their workers. Since then, only California, Massachusetts, and Oregon, have followed suit with similar laws. However, the odds are likely that some of the WBMA’s states are up next.

Several prominent Northwest cities have already enacted paid sick leave laws which may help give us a good gauge for what to expect moving forward.

In Seattle, if you employ five (5) or more employees, and they have worked more than 240 hour a year for you, they are eligible for paid sick time. If you have less than 250 employees, workers accrue 1 hour for every 40 hours worked. Accrual begins at commencement of employment, but paid sick time cannot be used until the 180th calendar day from that day.

Employees who have worked within the city limits of both Portland and Eugene for at least 240 hours in a year, now accrue 1 hour of paid sick leave for every 30 hours worked. If you have at least six (6) employees, they can earn up to 40 hours a year, with accrual beginning when employment does. Time earned, cannot be used until at least 90 days of employment have passed.

Following its Northwest neighbors, Tacoma, WA has a similar law set to go into effect in February of 2016. It will allow employees to earn 1 hour of sick time for every 40 hours worked (up to 24 hours).

Proposed Legislation in WBMA States:

Oregon: Passed just weeks ago, S.B. 454 requires most employers with ten (10) or more employees to provide up to 40 hours per year of paid sick leave. Beginning January 1st of 2016, paid sick leave will immediately begin to accrue at a rate of 1 hour for every 30 hours of actual work. Employees cannot begin using what they have accrued until the 91st calendar day after they begin work.

Washington: Tailored after Seattle’s paid sick leave laws, H.B. 1356 passed in the house in January, but S.B. 5306 failed to move forward in the State Senate. It has recently been reintroduced for the legislature’s 3rd special session of 2015.

Alaska: S.B. 12/H.B. 124, would allow workers in businesses with 15 or more employees to earn a minimum of one hour of paid sick and safe time for every 40 hours worked. Both versions currently reside in the House and Senate Committees on Labor & Commerce.

FYI... It’s Hot Outside
Revisiting your heat safety policy...

Here is something that we don’t say too often in the Northwest... Summer has come early! My wife and I recently celebrated the birth of our first child in February and she recently pointed out that our son has never experienced a day below 60 degrees. That wouldn’t sound odd if he were born in San Diego or Miami, but this is Seattle! This brings to light an important topic that you should be revisiting every year; finding ways to keep your employees safe from excessive heat exposure.

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Regulatory Humor (yes it exists)...
The WBMA will soon be featuring industry related smartphone apps on our website. Till then, we thought you may enjoy these:

**OSHA Suspended Overhead Load Avoidance App** – Insures you become aware that a load is suspended over your head when working near cranes and hoists; failure to know this could result in potential injury should the load be lowered on top of you. Here is how you use this App: Turn on the “camera” function of your smartphone. Point the phone straight up into the air directly over your head, then look up through the viewfinder or at the display screen. If you see a load suspended directly over your head through the viewfinder or on the screen of your smartphone, you should immediately move to a different area. Repeat this process often. *Faux apps courtesy of oshatraining.com*

**OSHA Proper Lifting Technique App** – This App is designed to automatically alert you when you fail to use proper lifting techniques when picking up a box or similar load off the floor, exposing you to a potentially painful back injury. The instructions for using this App are listed here: Place your smartphone flat on the top of your head, and maintain your head in an upright position so that the phone stays balanced on top of your head. Then, carefully lower your body by bending your knees while keeping your back straight and maintaining your head in an upright position. Then grasp the object to be lifted with both hands, and slowly stand back up by straightening your legs while keeping your back straight and your head up. If the smartphone slides off the top of your head at any time during this process, it is telling you that you did not maintain proper lifting form, and the lift must be aborted at once! *Faux apps courtesy of oshatraining.com*

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About the Author/Disclaimer: Tom Rider is Manager of Member Services for the Western Building Material Association. He is committed to being a valued resource to its members particularly on regulatory compliance issues affecting building material suppliers. Unless stated otherwise, this regulatory newsletter is written by him. He is a lawyer, but respectfully he is not your lawyer (unless you have been in his office and signed a contract). This communication is not intended as legal advice, and no attorney client relationship results merely by reading it. Please consult your own attorney for legal advice. If you are a WBMA member and would like to contact Tom with questions and/or comments: tomtom@wbma.org

Most employers are required to provide training to workers so they understand what heat stress is, how it affects their health and safety, and how it can be prevented.

**Things you can do:**

- Review your outdoor heat exposure safety policy that should be in your written accident prevention program (APP), and ensure sure that it is up to date with current state and federal regulations.
- Encourage employees to frequently consume water or other acceptable beverages to ensure hydration.

**Remember, it is not all on you...** Employees are responsible for monitoring their own personal factors for heat-related illness including consumption of water or other acceptable beverages to ensure hydration.

OSHA recommends your employees do the following:

- Drink water every 15 minutes, even if you are not thirsty.
- Rest in the shade to cool down.
- Wear a hat and light-colored clothing.
- Learn the signs of heat illness and what to do in an emergency.
- Keep an eye on fellow workers.
- “Easy does it” on your first days of work in the heat.

These days, it may feel like there is a smartphone app for everything… and that’s kind of true. OSHA has created a new Heat Safety Tool for both Android and iPhones. The app allows employees to calculate the heat index for their worksite, and, based upon that information the app displays a risk level and the recommended steps to be taken. Find it [here](http://www.wbma.org).