

SB 588: OR Construction Worker Paid Sick Leave

BACKGROUND & PROBLEM

A considerable portion of Oregon’s construction industry still lacks access to paid sick leave. Workers in Oregon who are covered by CBAs, *and* employed through hiring halls, *and* receive benefits through multiemployer plans are exempted from this basic right to sick time. This mainly, but not exclusively, affects construction workers.

Thirteen states and Washington D.C. have now enacted laws requiring paid sick leave¹ that either explicitly cover unionized construction or, in some instances, allow for certain collective bargaining agreement (CBA) exceptions and may otherwise require CBAs to still meet minimum sick leave standards. Today, just 58% of the U.S. construction industry has access to some form of paid sick leave, one of the lowest rates for any sector.²

The lack of access to paid sick time for this essential workforce has become a more intensified safety and public health concern amidst the COVID-19 pandemic, as **workers without paid time off are shown to be 1.5 times more likely to report going to work with a contagious illness.**³ Alarming, a construction worker without paid sick leave is also 21% more likely to experience a non-fatal jobsite injury than one with paid sick time.⁴ This “carve out” in Oregon’s existing sick time legislation is unsafe and unjust.

KEY POLICY ELEMENTS

- **Eliminates current exemption in OR paid sick time law for hiring hall workers covered by CBAs**
 - *Repeals language in statute (ORS 653.646) that precludes paid sick time minimum requirements from applying to employees:*
 - Whose terms and conditions are covered by a collective bargaining agreement; **and**
 - Who is employed through a hiring hall or similar referral system operated by a labor organization or third party; **and**
 - Whose employment-related benefits are provided by a joint multiemployer-employee trust or benefit plan.
- **Permits Administering sick time via multiemployer benefits plans or trusts**
 - Revises statute to also enable employers signatory to a multiemployer collective bargaining agreement to fulfill the paid sick time requirement by making contributions to a sick leave fund, plan or program based on employee hourly accruals pursuant to the existing law (upon agreement from trustees).
- **All other provisions in paid sick time statute would now apply for CBA/Hiring Hall workers**
 - Employers with 10 or more employees (6 or above in Portland): must provide up to 40 hours job protected sick time/year; Accrue 1 hour for every 30 hours worked.
 - Eligible use: worker or immediate family illness, preventive care, workplace/school closure absences, reasons relating to domestic violence or sexual assault.
 - As statutory *paid sick time requirements already currently cover non-union construction employers*, this change does not create a substantially new or wholly unfamiliar employment standard in the industry.



¹ National Council of State Legislatures. “Paid Sick Leave”. July 2018. <https://www.ncsl.org/research/labor-and-employment/paid-sick-leave>
² Pew Research Center. “As coronavirus spreads, which U.S. workers have paid sick leave—and which don’t?”. March 12, 2020. <https://www.pewresearch.org/fact-tank/2020/03/12/as-coronavirus-spreads-which-u-s-workers-have-paid-sick-leave-and-which-dont/>
³ Smith, T. W., & Kim, J. (2010, June). Paid Sick Days: Attitudes and Experiences. National Opinion Research Center at the University of Chicago for the Public Welfare Foundation Publication
⁴ Asfaw, PhD, Pana-Cryan, PhD, and Rosa, PhD. (2012, Sept). Paid Sick Leave and Nonfatal Occupational Injuries. American Journal of Public Health.