



Testimony in Support of SB 588
May 10, 2021

Chair Holvey, Vice-Chairs Bonham and Grayber, and members of the House Committee on Business & Labor,

Thank you for the opportunity to submit this testimony on behalf of the Oregon State Building and Construction Trades Council (OSBCTC) in support of SB 588. My name is Robert Camarillo and I am the Executive Secretary of the OSBCTC. We are a statewide, umbrella organization comprised of six regional local councils and 31 member unions that collectively represent tens of thousands of skilled trades workers across the state of Oregon. OSBCTC takes pride in safety and its partnership with a wide array of industry stakeholders and contractors that bring value to the industry, the State of Oregon, and most importantly to our members.

Our support for SB 588 comes from a long history of emphasizing job site safety as critical imperative. We believe access to protected sick time is clearly aligned with this value, and is evidenced to help promote and better support improved construction worksite safety. The attached one-pager has data on the increased potential for job site injuries when sick time is not accessible.

Construction has been an essential workforce through the duration of the pandemic. The industry has largely not been subject to shutdowns. This exemption has led to workers potentially being more at risk during this time than other industries which were locked down.

Currently, the trades exist under a patchwork of varying policies for workers. Some are covered under collective bargaining agreements, while others are employed through hiring halls that infrequently provide sick time to utilize for the important health and safety reasons the law otherwise allows for. In addition, non-union construction employers have been covered under this law from the start. It is unfair to not have a level playing field and a unified standard that encompasses the workforce across the industry, regardless of employer or job site.

We believe it is vital to continue to expand an industry culture where workers are able to prioritize their health and safety. We should not accept a premise that the same minimum protections that apply to workers in nearly all other sectors are not possible in the construction industry. Access to this basic standard aids in that goal by supporting workers' choices to not come to work sick or take care of their loved ones in times of need.

If this industry is going to succeed in meeting the growing workforce demand of the future, enacting basic standards like this is imperative in an evolving, competitive employment landscape. It will help reduce turnover and improve retention for more workers seeking to pursue a fulfilling career in the skilled trades.

Thank you for your time. On behalf of the OSBCTC, I encourage your support of SB 588.

Gratefully,

A handwritten signature in blue ink, appearing to read "Robert Camarillo". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert Camarillo
Executive Secretary
Oregon State Building & Construction Trades Council

The Oregon State Building and Construction Trades Council is comprised of the following trades and regional councils throughout the state:

1. Boilermakers Local 242	17. OR & S. Idaho District Council of Laborers
2. Bricklayers Local 1	18. Floor Coverers Local 1236
3. Cement Masons Local 555	19. Office & Professional Employees Local 11
4. Heat and Frost Insulators Local 36	20. Operating Engineers Local 701
5. Drywall Finishers Local 101	21. Painters & Drywall Finishers Local 10
6. IBEW Local 48	22. Painters District Council No. 5
7. IBEW Local 112	23. Plasterers Local 82
8. IBEW Local 280	24. Plumbers & Steamfitters Local 290
9. IBEW Local 659	25. Plumbers & Steamfitters Local 598
10. IBEW Local 932	26. Roofers Local 49
11. Elevator Constructors Local 23	27. Sheet Metal Workers Local 16
12. Glaziers Local 740	28. Sheet Metal Workers Local 55
13. Ironworkers Local 29	29. Sprinkler Fitters UA Local 669
14. Ironworkers Shop Local 516	30. Teamsters Local 162
15. Ironworkers District Council	31. Joint Council of Teamsters No. 37
16. Laborers Local 737	

Regional Building & Construction Trades Councils:

1. Central Oregon Building and Construction Trades Council
2. Columbia Pacific Building and Construction Trades Council
3. Lane, Coos, Curry, Douglas Building Trades Council
4. Pendleton Building and Construction Trades Council
5. Salem Building and Construction Trades Council
6. Southern Oregon Building and Construction Trades Council

SB 588: Sick Time for Hiring Hall Workers

BACKGROUND & PROBLEM

A Considerable portion of Oregon's construction industry still lacks access to paid sick time. 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.

Fourteen states and Washington D.C. have now enacted laws requiring paid sick time¹ 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 A Better Balance. "Interactive Overview of Paid Sick Time Laws in the United States. May 2020
<https://www.abetterbalance.org/paid-sick-time-laws/>

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.