



City of Seattle
Office of City Auditor

MEMORANDUM

Date: May 28, 2014

To: City Councilmember Nick Licata

From: David G. Jones, Seattle City Auditor *David G Jones*

RE: Union Waivers of Seattle's Paid Sick and Safe Time Regulations

In September 2011 the Seattle City Council passed legislation¹ requiring employers with more than four full-time equivalent employees to provide paid sick time and paid safe time to employees who work within the Seattle city limits for more than 240 hours. However, the ordinance provides that

The provisions of this chapter shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

Section 4 of the ordinance requires the Office of City Auditor to provide an assessment of the use of explicit waivers of the ordinance's requirements in collective bargaining agreements. This memo provides our assessment of the use of such waivers in collective bargaining agreements.

We identified 69 unions representing employees we believed to be eligible for Seattle's Paid Sick and Safe Time (PSST) regulations (Ordinance Number: 123698). We were able to speak with representatives of all 69 of the unions to ask if they had opened negotiations about Seattle's PSST regulations as allowed by the ordinance. Table 1 below shows the outcome of our contacts. See Attachment 1 for a full list of the unions we identified.

Table 1. Contacts With Unions Regarding PSST Waiver	
19	No, they did not waive the requirements
22	Yes, they waived
15	"Varies", i.e., unions managing contracts with multiple employers waived PSST requirements in some contracts but not others
13	Not Applicable (N/A), no eligible employees working in Seattle (e.g., government, offshore shipping)
69	Total number of unions we contacted

¹ Ordinance 123698, which created chapter 14.16 of the Seattle Municipal Code.

Explanations given by unions for their actions. Table 2 below shows explanations provided by some of the unions for their actions. Several unions reported waiving the requirement because their agreements already provided leave benefits that exceeded the ordinance requirements. Some of these unions were able to use the waiver to obtain additional value (i.e., additional money or other benefits). This occurred in at least one instance because of a union’s willingness to waive the legislation’s record-keeping and reporting requirements.

Waived No/Yes	Explanation	Number Using This Reason
No	Sufficient leave already provided before ordinance took effect	8
No	Used existence of ordinance requirements to negotiate improvement to existing benefits	2
No	Sick leave required per ordinance, though some unions believe their contract, which doesn’t provide leave, trumps the ordinance	9
Yes	Waived in exchange for additional money or additional other benefits (e.g., vacation, floating days off, or alternate sick leave or paid time off [PTO] plans)	13
Yes	Waived—some for no benefit, some until the contract expires with hope for leverage when negotiating the next contract	7
Yes	Waived, no further information provided	2
Varies ²	Waived (for at least some of their contracts) in exchange for additional money or additional other benefits, for others they didn’t waive	11
Varies	Waived at some venues, not all. No further information given	4
N/A	No eligible workers in Seattle	13
Total	Unions we contacted	69

² “Varies”, i.e., unions managing contracts with multiple employers. They reportedly waived PSST requirements in some contracts but not others

Attachment 1. Unions Contacted Regarding Waiver of Seattle’s Paid Sick and Safe Time Regulations

Unions Contacted Regarding Waiver of Seattle’s Paid Sick and Safe Time Regulations	
Union Name	Waived/Didn’t Waive/Varies
Amalgamated Transit (ATU) Local 587	Didn’t Waive
Boilermakers Local 502	Didn’t Waive
Communications Workers Local 7803	Didn’t Waive
Communications Workers Local 37082, Newspaper Guild	Didn’t Waive
Electrical Workers Local 77	Didn’t Waive
Electrical Workers Local 89	Didn’t Waive
Elevator Constructors Local 19	Didn’t Waive
Longshore and Warehouse –International Longshore and Warehouse Union- Local 19	Didn’t Waive
Longshore and Warehouse–International Longshore and Warehouse Union- Local 52	Didn’t Waive
Machinists - International Association of Machinists and Aerospace Machinists (IAM) 751 A, C, and F	Didn’t Waive
Maritime Trades, Puget Sound Ports Council	Didn’t Waive
Musicians Local 76-493	Didn’t Waive
Pilots, Puget Sound (inland boatman’s union)	Didn’t Waive
Printing Trades Council, Washington and Oregon	Didn’t Waive
Professional and Technical Engineers-Society of Professional Engineering Employees in Aerospace (SPEEA) Local 2001	Didn’t Waive
Professional Aviation Safety Specialists (PASS)	Didn’t Waive
Sailors Union of the Pacific	Didn’t Waive
Teamsters Local 763	Didn’t Waive
Bakery, Confection and Tobacco Workers Local 9	Waived
Bricklayers Local 1 WA	Waived
Carpet Layers Local 1238	Waived
Cement Masons, Operative Plasterers and Cement Masons International Association (OPCMIA) Local 528	Waived
Communications Workers Local 7800	Waived
Electrical Workers Local 46	Waived
Glass Molders, Pottery, Plastics and Allied Workers Locals 50 and 87	Waived
Glaziers Local 188	Waived
Heat and Frost Insulators Local 7	Waived
International Alliance of Theatrical Stage Employees (IATSE) - Television Broadcast Employees Local 793	Waived
Iron Workers Local 86	Waived
Laborers - Construction Local 242	Waived
Laborers-Street Pavers Local 440	Waived
Laborers-Public Service Employees Local 1239	Waived
Operating Engineers- International Union of Operating Engineers (IUOEL) Local 286	Waived
Operating Engineers (IUOEL)Local 302	Waived
Painters - Tapers Local 364, Painters and Allied Trades District Council #5	Waived

Unions Contacted Regarding Waiver of Seattle's Paid Sick and Safe Time Regulations	
Union Name	Waived/Didn't Waive/ Varies
Plumbers and Pipefitters-The United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA) Local 32	Waived
Roofers Local 54	Waived
Seattle Building and Construction Trades Council	Waived
Sheet Metal Workers Local 66	Waived
Sprinkler Fitters Local 699	Waived
Boilermakers Local 104	Varies-multiple contracts
Inlandboatmen's Union of the Pacific Puget Sound Region (PSR)	Varies-multiple contracts
Machinists - International Association of Machinists and Aerospace Workers (IAM) Locals 289 & 79	Varies-multiple contracts
Metal Trades, Puget Sound Council	Varies-multiple contracts
Office and Professional Employees (OPEIU) Local 8	Varies-multiple contracts
Painters and Allied Trades Local 1094	Varies-multiple contracts
Service Employees International Union (SEIU) Local 6	Varies-multiple contracts
Service Employees International Union(SEIU) Healthcare 775NW	Varies-multiple contracts
Stagehands and Projectionists Local 15, International Alliance of Theatrical Stage Employees (IATSE)	Varies-multiple contracts
Studio Mechanics Local 488, of International Alliance of Theatrical Stage Employees (IATSE)	Varies-multiple contracts
Teamsters Local 117	Varies-multiple contracts
Teamsters Local 174	Varies-multiple contracts
Theatrical Wardrobe Local 887, International Alliance of Theatrical Stage Employees (IATSE)	Varies-multiple contracts
UNITEHERE Local 8	Varies-multiple contracts
United Food and Commercial Workers 21	Varies-multiple contracts
Air Transport Local 2202	N/A, no workers in Seattle
American Radio Association	N/A, work on water
Communications Workers-WashTech Local 37083	N/A, no workers in Seattle
Government Employees Local 3937	N/A, government
Letter Carriers Local 79	N/A, government
Longshore and Warehouse Local 9	N/A, airport workers
Marine Engineers' Beneficial Association (MEBA) Dist. 1	N/A, work on water
Masters, Mates and Pilots - Offshore Division	N/A, work on water
Masters, Mates and Pilots - Puget Sound Pilots	N/A, work on water
Masters, Mates and Pilots-United Inland Group	N/A, work on water
Operating Engineers- International Union of Operating Engineers (IUOE)Local 609	N/A, government
Postal Workers, Greater Seattle Area Local 28	N/A, government
Prof. and Technical Employees Local 17	N/A, government
United Academic Workers Local 4121	N/A, government