

2 **SHB 1471** - H COMM AMD **Adopted 3-18-91**
3 By Committee on Appropriations

4
5 Strike everything after the enacting clause and insert the
6 following:

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24 "PART I
25 LEGISLATIVE INTENT"

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Child" means a biological ~~((or))~~, adopted, or foster child, a
4 legal ward, or a stepchild~~((, living with the employee))~~.

5 (2) "Department" means the department of labor and industries.

6 (3) "Employee" means a person other than an independent contractor
7 employed by an employer ~~((on a continuous basis for the previous))~~ for
8 at least fifty-two weeks within the previous seventy-eight weeks and
9 for at least ~~((thirty-five))~~ an average of thirty-two hours per week.

10 (4) "Employer" means: (a) Any person, firm, corporation,
11 partnership, business trust, legal representative, or other business
12 entity which engages in any business, industry, profession, or activity
13 in this state and includes any unit of local government including, but
14 not limited to, a county, city, town, municipal corporation, quasi-
15 municipal corporation, or political subdivision, which (i) employed a
16 daily average of ~~((one hundred))~~ fifty or more employees during the
17 last calendar quarter at the place where the employee requesting leave
18 reports for work, or (ii) employed a daily average of ~~((one hundred))~~
19 fifty or more employees during the last calendar quarter within a
20 twenty mile radius of the place where the employee requesting leave
21 reports for work, where the employer maintains a central hiring
22 location and customarily transfers employees among workplaces; and (b)
23 the state, state institutions, and state agencies.

24 (5) "Family leave" means leave from employment, as provided in RCW
25 49.78.030, to care for a newborn ~~((or))~~, a newly adopted child ~~((under~~
26 ~~the age of six or a child under eighteen years old with a terminal~~
27 ~~health condition, as provided in RCW 49.78.030))~~, or a newly placed
28 foster child, or to care for a family member with a serious health
29 condition.

1 (6) "Family member" means a child of the employee, the spouse of
2 the employee, or a parent of the employee or the employee's spouse.

3 (7) "Health care provider" means a person licensed as a physician
4 under chapter 18.71 ((RCW or an osteopath under chapter)) or 18.57 RCW.

5 (~~((7))~~) (8) "Parent" means a biological, foster, or adoptive
6 parent, ((or)) a stepparent, or legal guardian.

7 (~~((8))~~) (9) "Reduced leave schedule" means leave scheduled for
8 fewer than an employee's usual number of hours or days per workweek.

9 (~~((9))~~) ~~"Terminal health condition" means a condition caused by~~
10 ~~injury, disease, or illness, that, within reasonable medical judgment,~~
11 ~~is incurable and will produce death within the period of leave to which~~
12 ~~the employee is entitled.)~~

13 (10) "Serious health condition" means an illness, injury,
14 impairment, or physical or mental condition, whether or not
15 preexisting, that requires:

16 (a) Inpatient care in a hospital, hospice, or residential medical
17 care facility; or

18 (b) Continuing treatment or continuing supervision by a health care
19 provider."

20 **"Sec. 202.** RCW 49.78.030 and 1989 1st ex.s. c 11 s 3 are each
21 amended to read as follows:

22 (1) An employee is entitled to twelve workweeks of family leave
23 during any twenty-four month period to: (a) Care for a newborn child
24 ((or)) of the employee, an adopted child of the employee who is under
25 the age of ((six)) sixteen at the time of placement for adoption((7))
26 or((7)) a foster child when placement with the employee is the
27 permanent plan and the foster child is under the age of sixteen at the
28 time of placement; or (b) care for ((a child under eighteen years old
29 of the employee who has a terminal)) a family member with a serious

1 health condition. Leave under subsection (1)(a) of this section shall
2 be completed within twelve months after the birth or placement for
3 adoption or foster care, as applicable. ~~((An employee is entitled to~~
4 ~~leave under subsection (1)(b) of this section only once for any given~~
5 ~~child)) For the leave under subsection (1)(b) of this section to apply
6 for the care of the employee's child, the child must be under the age
7 of eighteen, or be eighteen years of age or older and incapable of
8 self-care because of a mental or physical impairment.~~

9 (2) Family leave may be taken on a reduced leave schedule subject
10 to the approval of the employer.

11 (3) The leave required by this section may be unpaid. If an
12 employer provides paid family leave for fewer than twelve workweeks,
13 the additional workweeks of leave added to attain the twelve-workweek
14 total may be unpaid. An employer may require an employee to first use
15 up the employee's total accumulation of leave to which the employee is
16 otherwise entitled before going on family leave; however, except as
17 provided in subsection (4) of this section, nothing in this section
18 requires more than twelve total workweeks of family leave during any
19 twenty-four month period. An employer is not required to allow an
20 employee to use the employee's other leave in place of the leave
21 provided under this chapter.

22 (4) The leave required by this section is in addition to any leave
23 for sickness or temporary disability because of pregnancy or
24 childbirth.

25 (5) An employer may limit or deny family leave to either:

26 (a) Up to ten percent of the employer's ~~((workforce))~~ work force in
27 the state designated as key personnel by the employer. Any designation
28 made under this ~~((section))~~ subsection shall take effect thirty days
29 after it is issued and may be changed no more than once in any twelve-
30 month period. The designation shall be in writing and shall be

1 displayed in a conspicuous place. An employer shall not designate key
2 personnel on the basis of age or gender or for the purpose of evading
3 the requirements of this chapter. No employee may be designated as key
4 personnel after giving notice of intent to take leave pursuant to RCW
5 49.78.040(~~(. The designation shall be in writing and shall be~~
6 ~~displayed in a conspicuous place))~~); or

7 (b) If the employer does not designate key personnel, the employees
8 designated as the highest paid ten percent of the employer's employees
9 in the state. Any designation made under this subsection shall be in
10 writing and may be changed no more than once in any twelve-month
11 period. The designation shall take effect thirty days after the
12 affected employees have been given written notice."

13 "Sec. 203. RCW 49.78.040 and 1989 1st ex.s. c 11 s 4 are each
14 amended to read as follows:

15 (1) An employee planning to take family leave under RCW
16 49.78.030(1)(a) shall provide the employer with written notice at least
17 thirty days in advance of the anticipated date of delivery or placement
18 for adoption or foster care, stating the dates during which the
19 employee intends to take family leave. The employee shall adhere to
20 the dates stated in the notice unless:

21 (a) The birth is premature;

22 (b) The mother is incapacitated due to birth such that she is
23 unable to care for the child;

24 (c) The employee takes physical custody of the newly adopted child
25 at an unanticipated time and is unable to give notice thirty days in
26 advance; (~~or~~)

27 (d) The employee takes physical custody of the newly placed foster
28 child at an unanticipated time and is unable to give notice thirty days
29 in advance; or

1 (e) The employer and employee agree to alter the dates of family
2 leave stated in the notice.

3 (2) In cases of premature birth, incapacity, or unanticipated
4 placement for adoption or foster care referred to in subsection (1) of
5 this section, the employee must give notice of revised dates of family
6 leave as soon as possible but at least within one working day of the
7 birth or placement (~~((for adoption))~~) or incapacitation of the mother.

8 (3) If family leave under RCW 49.78.030(1)(b) is foreseeable, the
9 employee shall provide the employer with written notice at least
10 fourteen days in advance of the expected leave and shall make a
11 reasonable effort to schedule the leave so as not to unduly disrupt the
12 operations of the employer. If family leave under RCW 49.78.030(1)(b)
13 is not foreseeable fourteen or more days before the leave is to take
14 place, the employee shall notify the employer of the expected leave as
15 soon as possible, but at least within one working day of the beginning
16 of the leave.

17 (4) If the employee fails to give the notice required by this
18 section, the employer may reduce or increase the family leave required
19 by this chapter by three weeks."

20 "**Sec. 204.** RCW 49.78.050 and 1989 1st ex.s. c 11 s 5 are each
21 amended to read as follows:

22 (1) In the event of any dispute under this chapter regarding
23 premature birth, incapacitation of the mother, maternity disability, or
24 (~~((terminal condition of a child))~~) serious health condition of a family
25 member, an employer may require confirmation by a health care provider
26 of: (a) The date of the birth; (b) the date on which incapacity
27 because of childbirth or disability because of pregnancy or childbirth
28 commenced or will probably commence, and its probable duration; or (c)

1 for family leave under RCW 49.78.030(1)(b), the fact that the ((child
2 ~~has a terminal~~)) family member has a serious health condition.

3 (2) An employer may require, at the employer's expense, that the
4 employee obtain the opinion of a second health care provider selected
5 by the employer concerning any information required under subsection
6 (1) of this section. If the health care providers disagree on any
7 factor which is determinative of the employee's eligibility for family
8 leave, the two health care providers shall select a third health care
9 provider, whose opinion, obtained at the employer's expense, shall be
10 conclusive."

11 **"Sec. 205.** RCW 49.78.070 and 1989 1st ex.s. c 11 s 7 are each
12 amended to read as follows:

13 (1) Subject to subsection (2) of this section, an employee who
14 exercises any right provided under RCW 49.78.030 shall be entitled, in
15 the following order of priority, upon return from leave or during any
16 reduced leave schedule:

17 (a) To the same position held by the employee when the leave
18 commenced; or

19 (b) If the employer's circumstances have so changed that the
20 employee cannot be reinstated under (a) of this subsection, to a
21 position with equivalent benefits and pay at a workplace within twenty
22 miles of the employee's workplace when leave commenced; or

23 (c) If the employer's circumstances have so changed that the
24 employee cannot be reinstated ((~~to the same position, or a position of~~
25 ~~equivalent pay and benefits~~)) under either (a) or (b) of this
26 subsection, the employee shall be reinstated in any other position
27 which is vacant and for which the employee is qualified. The filling
28 of a position held by an employee on family leave under this chapter
29 shall not by itself constitute changed circumstances.

1 (2) The entitlement under subsection (1) of this section is subject
2 to bona fide changes in compensation or work duties, and does not apply
3 if:

4 (a) The employee's position is eliminated by a bona fide
5 restructuring, or reduction-in-force;

6 (b) The employee's workplace is permanently or temporarily shut
7 down for at least thirty days;

8 (c) The employee's workplace is moved to a location at least sixty
9 miles from the location of the workplace when leave commenced;

10 (d) An employee on family leave takes ~~((another job))~~ a job with
11 another employer working twenty hours or more per week; or

12 (e) The employee fails to provide timely notice of family leave as
13 required under RCW 49.78.040, or fails to return on the established
14 ending date of leave."

15 "Sec. 206. RCW 49.78.130 and 1989 1st ex.s. c 11 s 13 are each
16 amended to read as follows:

17 No employer, employment agency, labor union, or other person shall
18 discharge, expel, or otherwise discriminate against any person because
19 he or she has opposed any practices forbidden by this chapter, or
20 because he or she has filed a complaint, testified, or assisted in any
21 proceeding under this chapter, or has exercised any rights afforded by
22 this chapter. No employer policy may be applied to limit or discourage
23 the use of the leave rights available under this chapter."

24 "NEW SECTION. Sec. 207. A new section is added to chapter 49.12
25 RCW to read as follows:

26 No employer may discharge or in any manner discriminate against any
27 employee because he or she has filed a complaint, testified, or
28 assisted in any proceeding under RCW 49.12.270 through 49.12.295, or

1 has exercised any rights afforded by RCW 49.12.270 through 49.12.295.
2 No employer policy may be applied to limit or discourage the use of the
3 leave rights available under RCW 49.12.270 through 49.12.295."

4 "NEW SECTION. Sec. 208. The following acts or parts of acts are
5 each repealed:

- 6 (1) RCW 49.78.060 and 1989 1st ex.s. c 11 s 6; and
- 7 (2) RCW 49.78.210 and 1989 1st ex.s. c 11 s 21."

8 "NEW SECTION. Sec. 209. A new section is added to chapter 49.78
9 RCW to read as follows:

10 To facilitate the orderly application of chapter ... (H-1144/91),
11 Laws of 1991, to employees covered by an unexpired collective
12 bargaining agreement that expires on or after September 1, 1991, or by
13 an employee benefit program or plan with a stated year ending on or
14 after the effective date of this section, the chapter shall apply to
15 these employees the later of: (1) The first day following expiration
16 of the collective bargaining agreement; or (2) the first day of the
17 next plan year, as applicable."

18 "PART III
19 EMPLOYER-ASSISTED CHILD CARE
20 A. Child Care Partnership"

21 "NEW SECTION. Sec. 301. The legislature finds that efforts by
22 Washington state to encourage employers' involvement in meeting their
23 employees' child care needs represent an effective and successful
24 public-private partnership. It is the intent of the legislature to
25 build upon the successful efforts of the child care partnership and the

1 child care facility fund and to increase the effectiveness of these
2 programs."

3 "Sec. 302. RCW 74.13.0902 and 1989 c 381 s 6 are each amended to
4 read as follows:

5 An employer liaison position is established in the department of
6 social and health services to be co-located at the business assistance
7 center established under RCW 43.31.083. The employer liaison shall,
8 within appropriated funds:

9 (1) Staff and assist the child care partnership in the
10 implementation of its duties under RCW 74.13.0901;

11 (2) Provide technical assistance to employers regarding child care
12 services, working with and through ~~((local))~~ community-based child care
13 resource and referral organizations whenever possible. Such technical
14 assistance shall include at a minimum:

15 (a) Assessing the child care needs of employees and prospective
16 employees;

17 (b) Reviewing options available to employers interested in
18 increasing access to child care for their employees;

19 (c) Developing techniques to permit small businesses to increase
20 access to child care for their employees;

21 (d) Reviewing methods of evaluating the impact of child care
22 activities on employers; and

23 (e) Preparing, collecting, and distributing current information for
24 employers on options for increasing involvement in child care; and

25 (3) Provide assistance to ~~((local))~~ community-based child care
26 resource and referral organizations to increase their capacity to
27 provide quality technical assistance to employers in their community."

1 **"Sec. 303.** RCW 43.31.512 and 1989 c 430 s 7 are each amended to
2 read as follows:

3 The child care facility fund committee shall award loan guarantees,
4 loans or grants to those persons, businesses, or organizations meeting
5 the minimum standards set forth in this chapter who will best serve the
6 intent of the chapter to increase the availability of high quality,
7 affordable child care in Washington state. Employee organizations may
8 also submit applications for loan guarantees, loans, or grants:
9 PROVIDED, That such applications are submitted jointly by the
10 businesses or employers whose employees will be served by the child
11 care facility that is the subject of the application. The committee
12 shall (~~promulgate~~) adopt rules regarding the application for and
13 disbursement of loan guarantees, loans, or grants from the fund,
14 including loan terms and repayment procedures.

15 (1) At a minimum, such rules shall require an applicant to submit
16 a plan which includes a detailed description of:

17 (~~(1)~~) (a) The need for a new or improved child care facility in
18 the area served by the applicant;

19 (~~(2)~~) (b) The steps the applicant will take to serve a reasonable
20 number of handicapped children, as (~~defined~~) described in chapter
21 72.40 RCW, sick children, infants, children requiring night time or
22 weekend care, or children whose costs of care are subsidized by
23 government;

24 (~~(3)~~) (c) Why financial assistance from the state is needed to
25 start or improve the child care facility;

26 (~~(4)~~) (d) How the guaranteed loan, loan, or grant will be used,
27 and how such uses will meet the described need;

28 (~~(5)~~) (e) The child care services to be available at the facility
29 and the capacity of the applicant to provide those services; and

1 (~~(6)~~) (f) The financial status of the applicant, including other
2 resources available to the applicant which will ensure the continued
3 viability of the facility and the availability of its described
4 services.

5 (2) Each employer applying for a loan guarantee, loan, or grant
6 shall conduct, either directly or by contract, an assessment of its
7 employees' child care needs. In determining whether to award a loan
8 guarantee, loan, or grant to an employer applicant, the committee shall
9 consider the extent to which the application reflects the results of
10 the employer's child care needs assessment.

11 (3) Recipients shall annually for two years following the receipt
12 of the loan guarantee, loan, or grant, submit to the child care
13 facility fund committee a report on the facility and how it is meeting
14 the child care needs for which it was intended."

15 "B. Child Care Resource and Referral"

16 "NEW SECTION. Sec. 304. The legislature recognizes that an
17 integrated child care services system is needed to ensure that planning
18 and coordination of child care services occurs and that linkages
19 between employers, consumers, and child care providers are established.
20 The legislature finds that establishment of the office of the child
21 care resources coordinator, the child care coordinating committee, and
22 the child care partnership are first steps toward achieving an
23 integrated child care system. Additional steps, including the support
24 of existing community-based child care resource and referral programs,
25 and the development of new child care resource and referral programs,
26 must be taken to help parents obtain appropriate child care for their
27 children, increase the supply of child care services and coordination

1 with employers, and improve the quality of child care services through
2 training and support of child care providers.

3 The legislature intends that child care resource and referral
4 services be provided in collaboration with local communities,
5 employers, consumers, and state and federal agencies."

6 "NEW SECTION. Sec. 305. A new section is added to chapter 74.13
7 RCW to read as follows:

8 (1) Persons or organizations may apply for funding to establish or
9 operate a community-based child care resource and referral program
10 through the office of the child care resources coordinator. In
11 evaluating applications for funding, the coordinator shall consider
12 the applicant's ability to offer, or make progress towards offering,
13 the activities provided in subsection (2) of this section. The
14 coordinator shall also consider the number of children under age twelve
15 in the geographic area that will be served by the program when
16 determining the level of funding for the program.

17 (2) Community-based child care resource and referral programs shall
18 develop a service plan that includes the following components:

19 (a) Provide parents with information regarding child care,
20 including but not limited to the location of child care services,
21 information regarding child care licensing requirements, how to choose
22 quality child care services, and the availability of funds to subsidize
23 child care costs;

24 (b) Participate with other community agencies or organizations in
25 the provision of parent support services, such as parent education
26 classes and information on community services available to families;

27 (c) Provide support to child care providers, such as: Information
28 regarding training opportunities, development of appropriate training
29 as needed, resource libraries, toy lending libraries, meeting space,

1 information regarding the operation of child care as a small business,
2 and liaison with department child care licensors;

3 (d) Recruit licensed child care providers, emphasizing geographic
4 or program areas that have an inadequate supply of child care services;

5 (e) In cooperation with the child care partnership established
6 under this chapter, provide technical assistance to employers regarding
7 employee child care benefits;

8 (f) Directly or through a coalition of child care resource and
9 referral programs, and in collaboration with the office of the child
10 care resources coordinator where appropriate, provide information to
11 local and state policy makers regarding child care supply and demand,
12 and advocate for increased public and private sector resources for
13 child care services; and

14 (g) Coordinate a local response to the demand for quality child
15 care services, and participate in coordinated efforts for delivery of
16 services to families.

17 (3)(a) At least twenty-five percent of the funding for community-
18 based child care resource and referral agencies under this section
19 shall be community matching funds provided by private or public
20 entities in the community served by the program requesting funding.
21 Contributions of materials, supplies, or physical facilities may be
22 considered as all or part of the matching funds provided.

23 (b) Community-based child care resource and referral agencies under
24 this section may establish reasonable fees for services provided on an
25 ability-to-pay basis."

26 "Sec. 306. RCW 74.13.0903 and 1989 c 381 s 5 are each amended to
27 read as follows:

1 The office of the child care resources coordinator is established
2 to operate under the authority of the department of social and health
3 services. The office shall, within appropriated funds:

4 (1) Staff and assist the child care coordinating committee in the
5 implementation of its duties under RCW 74.13.090;

6 (2) Work with local governments, nonprofit organizations,
7 businesses, and community child care advocates to create local child
8 care resource and referral organizations(~~(. These organizations may~~
9 ~~carry out needs assessments, resource development, provider training,~~
10 ~~technical assistance, and parent information and training))~~);

11 (3) Actively seek public and private money for distribution as
12 grants to potential or existing (~~(local))~~ community-based child care
13 resource and referral (~~(organizations. No grant shall be distributed~~
14 ~~that is greater than twenty five thousand dollars))~~ programs as
15 provided in section 305 of this act;

16 (4) (~~Adopt rules regarding the application for and distribution of~~
17 ~~grants to local child care resource and referral organizations. The~~
18 ~~rules shall, at a minimum, require an applicant to submit a plan for~~
19 ~~achieving the following objectives:~~

20 (a) ~~Provide parents with information about child care resources,~~
21 ~~including location of services and subsidies;~~

22 (b) ~~Carry out child care provider recruitment and training~~
23 ~~programs;~~

24 (c) ~~Offer support services, such as parent and provider seminars,~~
25 ~~toy-lending libraries, and substitute banks;~~

26 (d) ~~Provide information for businesses regarding child care supply~~
27 ~~and demand;~~

28 (e) ~~Advocate for increased public and private sector resources~~
29 ~~devoted to child care; and~~

1 ~~(f) Provide technical assistance to employers regarding employee~~
2 ~~child care services;~~

3 ~~(5))~~ Provide staff support and technical assistance to ~~((local))~~
4 community-based child care resource and referral organizations and
5 coalitions thereof;

6 ~~((6) Organize the local child care resource and referral~~
7 ~~organizations into a state-wide system;~~

8 ~~(7))~~ (5) As a component of licensing, maintain a ~~((state-wide~~
9 ~~child care referral))~~ data bank ~~((and work with department of social~~
10 ~~and health services licensors))~~ of licensed providers to provide
11 information, including periodic updates of providers' license status,
12 to ~~((local))~~ community-based child care resource and referral
13 organizations about licensed child care providers in the state;

14 ~~((8))~~ (6) Through local resource and referral organizations,
15 compile data about local child care needs and availability for future
16 planning and development;

17 ~~((9))~~ (7) Coordinate the provision of training and technical
18 assistance to child care providers; and

19 ~~((10))~~ (8) Collect and assemble information regarding the
20 availability of insurance and of federal and other child care funding
21 to assist state and local agencies, businesses, and other child care
22 providers in offering child care services."

23 "NEW SECTION. Sec. 307. A state employee child care liaison
24 position is established in the department of personnel to be co-located
25 in the department of social and health services. The state employee
26 child care liaison shall:

27 (1) Provide information and technical assistance to state agencies
28 in meeting the child care needs of their employees; and

1 (2) Develop a comprehensive plan for state support of its
2 employees' child care needs. The plan shall incorporate the results of
3 the child care needs assessment conducted by the department of
4 personnel as provided in RCW 41.04.380, and recommendations of any
5 existing or newly established interagency efforts addressing state
6 employee child care issues. The plan shall be reported to the
7 governor, the child care coordinating committee established pursuant to
8 RCW 74.13.090, and appropriate committees of the legislature on or
9 before September 1, 1992."

10 "Sec. 308. RCW 41.04.385 and 1986 c 135 s 1 are each amended to
11 read as follows:

12 (1) The legislature finds that ~~((+1))~~ (a) demographic, economic,
13 and social trends underlie a critical and increasing demand for child
14 day care in the state of Washington; ~~((+2))~~ (b) working parents and
15 their children benefit when the employees' child care needs have been
16 resolved; and ~~((+3))~~ (c) the state of Washington should serve as a
17 model employer by creating a supportive atmosphere, to the extent
18 feasible, in which its employees may meet their child day care needs.
19 The legislature finds further that resolving employee child day care
20 concerns not only benefits the employees and their children, but may
21 benefit the employer by reducing absenteeism, increasing employee
22 productivity, improving morale, and enhancing the employer's position
23 in recruiting and retaining employees. Therefore, the legislature
24 declares that it is the policy of the state of Washington to assist
25 state employees by creating a supportive atmosphere in which they may
26 meet their child day care needs.

27 (2) Support for state employees' child care needs may include, but
28 is not limited to:

1 (a) Operation of on-site child care centers for children of state
2 employees;

3 (b) Contracts with existing licensed child care providers to care
4 for children of state employees;

5 (c) Provision of grants for capital expansion or establishment of
6 licensed child care facilities, conditioned upon a commitment by the
7 provider to care for a negotiated number of children of state
8 employees; and

9 (d) Contracts for child care resource and referral services."

10 "PART IV

11 CHILD LABOR

12 A. Hours of Work"

13 "**Sec. 401.** RCW 49.12.121 and 1989 c 1 s 3 are each amended to read
14 as follows:

15 ~~((The committee, or the director,))~~ (1) The department may at any
16 time inquire into wages, hours, and conditions of labor of minors
17 employed in any trade, business or occupation in the state of
18 Washington and may adopt special rules for the protection of the
19 safety, health and welfare of minor employees. ~~((The minimum wage for~~
20 ~~minors shall be as prescribed in RCW 49.46.020.))~~

21 (2) The ~~((committee))~~ department shall issue work permits to
22 employers for the employment of minors~~((, after being assured))~~ if the
23 proposed employment ~~((of a minor))~~ meets the standards ~~((set forth~~
24 ~~concerning))~~ for the health, safety and welfare of minors ~~((as set~~
25 ~~forth in the rules and regulations promulgated by the committee))~~
26 required by this chapter or adopted by department rule. To implement
27 state policy to assure the attendance of children in the public

1 schools, an employer employing a minor shall obtain a work permit
2 issued by the department. The permit shall be kept on file during the
3 employment of minors. No minor person shall be employed in any
4 occupation, trade or industry subject to this 1973 amendatory act,
5 unless a work permit has been properly issued, with the consent of the
6 parent, guardian or other person having legal custody of the minor and
7 with the approval of the school which ((such)) the minor may then be
8 attending.

9 (3)(a) Minors legally required to attend school may not be employed
10 during school hours except by special permission of school officials as
11 provided in RCW 28A.225.010 and 28A.225.080.

12 (b) Minors under the age of sixteen may not work more than three
13 hours a day on school days or more than eighteen hours a week during
14 the school year.

15 (c) Minors who are sixteen and seventeen years of age may not work
16 more than four hours a day on school days or more than twenty-eight
17 hours a week during the school year.

18 (d) No minor may work more than eight hours a day or more than
19 forty hours a week. No minor may work more than five days in a week.

20 (e) This subsection (3) shall not apply to minors sixteen years of
21 age or older who are emancipated by court order.

22 (4) The minimum wage for minors shall be as prescribed in RCW
23 49.46.020.

24 (5) For the purposes of this section, "school year" means the weeks
25 during which school is in session in the school district attended by
26 the minor or, if the minor is not enrolled in school, in the school
27 district in which the minor resides."

28 "NEW SECTION. Sec. 402. RCW 49.12.123 and 1983 c 3 s 156 & 1973
29 c 51 s 3 are each repealed."

1 "B. Enforcement of Child Labor Standards"

2 "NEW SECTION. Sec. 403. The legislature finds that the future of
3 the state depends on the education and well-being of the state's
4 children. Investigations of three hundred ninety-five workplace
5 injuries to minors by the department of labor and industries indicates
6 that over forty percent of the injuries occurred at worksites not in
7 compliance with child labor laws. Almost half of the injuries that
8 resulted in time off work occurred at a worksite not in compliance with
9 child labor laws.

10 The legislature finds that employment of minors requires strict
11 adherence to standards that protect the safety and health of children
12 and ensure that their education receives top priority. The purposes of
13 this act are to protect children in the work force and provide the
14 department of labor and industries the enforcement resources necessary
15 to assure that minors are employed in accordance with the state's child
16 labor standards."

17 "NEW SECTION. Sec. 404. (1)(a) Except as otherwise provided in
18 subsection (2) of this section, if the director, or the director's
19 designee, finds that an employer has violated any of the requirements
20 of RCW 49.12.121, or a rule or order adopted or variance granted under
21 RCW 49.12.121, a citation stating the violations shall be issued to the
22 employer. The citation shall be in writing, describing the nature of
23 the violation including reference to the standards, rules, or orders
24 alleged to have been violated. An initial citation for failure to
25 comply with RCW 49.12.121 or rules requiring a minor work permit and
26 maintenance of records shall state a specific time for abatement of the
27 violation to allow the employer to correct the violation without

1 penalty. The director or the director's designee may establish a
2 specific time for abatement of other nonserious violations in lieu of
3 a penalty for first time violations. The citation and a proposed
4 penalty assessment shall be given to the highest management official
5 available at the workplace or be mailed to the employer at the
6 workplace. In addition, the department will mail a copy of the
7 citation and proposed penalty assessment to the central personnel
8 office of the employer. Citations issued under this section shall be
9 posted at or near the place where the violation occurred.

10 (b) Except when an employer corrects a violation as provided in (a)
11 of this subsection, he or she shall be assessed a civil penalty of not
12 more than one thousand dollars depending on the size of the business
13 and the gravity of the violation. The employer shall pay the amount
14 assessed within thirty days of receipt of the assessment or notify the
15 director of his or her intent to appeal the citation or the assessment
16 penalty as provided in section 405 of this act.

17 (2) If the director, or the director's designee, finds that an
18 employer has committed a serious or repeated violation of the
19 requirements of RCW 49.12.121, or any rule or order adopted or variance
20 granted under RCW 49.12.121, the employer is subject to a civil penalty
21 of not more than one thousand dollars for each day the violation
22 continues. For the purposes of this subsection, a serious violation
23 shall be deemed to exist if death or serious physical or emotional harm
24 has resulted or could result from a condition that exists, or from one
25 or more practices, means, methods, operations, or processes that have
26 been adopted or are in use by the employer, unless the employer did
27 not, and could not with the exercise of reasonable diligence, know of
28 the presence of the violation.

29 (3) In addition to any other authority provided in this section,
30 if, upon inspection or investigation, the director, or director's

1 designee, believes that an employer has violated RCW 49.12.121, or a
2 rule or order adopted or variance granted under RCW 49.12.121, and that
3 the violation creates a danger from which there is a substantial
4 probability that death or serious physical harm could result to a minor
5 employee, the director, or director's designee, may issue an order
6 immediately restraining the condition, practice, method, process, or
7 means creating the danger in the workplace. An order issued under this
8 subsection may require the employer to take steps necessary to avoid,
9 correct, or remove the danger and to prohibit the employment or
10 presence of a minor in locations or under conditions where the danger
11 exists.

12 (4) An employer who violates any of the posting requirements of RCW
13 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed
14 a civil penalty of not more than one hundred dollars for each
15 violation.

16 (5) A person who gives advance notice, without the authority of the
17 director, of an inspection to be conducted under this chapter shall be
18 assessed a civil penalty of not more than one thousand dollars.

19 (6) Penalties assessed under this section shall be paid to the
20 director and deposited into the general fund."

21 "NEW SECTION. Sec. 405. A person, firm, or corporation aggrieved
22 by an action taken or decision made by the department under section 404
23 of this act may appeal the action or decision to the director by filing
24 notice of the appeal with the director within thirty days of the
25 department's action or decision. A notice of appeal filed under this
26 section shall stay the effectiveness of a citation or notice of the
27 assessment of a penalty pending review of the appeal by the director,
28 but such appeal shall not stay the effectiveness of an order of
29 immediate restraint issued under section 404 of this act. Upon receipt

1 of an appeal, a hearing shall be held in accordance with chapter 34.05
2 RCW. The director shall issue all final orders after the hearing. The
3 final orders are subject to appeal in accordance with chapter 34.05
4 RCW. Orders not appealed within the time period specified in chapter
5 34.05 RCW are final and binding."

6 "NEW SECTION. Sec. 406. An employer who knowingly or recklessly
7 violates the requirements of RCW 49.12.121, or a rule or order adopted
8 under RCW 49.12.121, is guilty of a gross misdemeanor. An employer
9 whose practices in violation of the requirements of RCW 49.12.121, or
10 a rule or order adopted under RCW 49.12.121, result in the death or
11 permanent disability of a minor employee is guilty of a class C
12 felony."

13 "Sec. 407. RCW 49.12.170 and 1973 2nd ex.s. c 16 s 16 are each
14 amended to read as follows:

15 Except as otherwise provided in section 404 or 406 of this act, any
16 employer employing any person for whom a minimum wage or standards,
17 conditions, and hours of labor have been specified, at less than said
18 minimum wage, or under standards, or conditions of labor or at hours of
19 labor prohibited by the rules and regulations of the committee; or
20 violating any other of the provisions of this 1973 amendatory act,
21 shall be deemed guilty of a misdemeanor, and shall, upon conviction
22 thereof, be punished by a fine of not less than twenty-five dollars nor
23 more than one thousand dollars."

24 "NEW SECTION. Sec. 408. The penalties established in sections
25 404 and 406 of this act for violations of RCW 49.12.121 are exclusive
26 remedies."

1 "PART V

2 WAGES AND HOURS STANDARDS

3 A. Overtime Hours of Work"

4 "Sec. 501. RCW 49.46.130 and 1989 c 104 s 1 are each amended to
5 read as follows:

6 (1) ~~((No employer shall employ any of his employees for a work week
7 longer than forty hours unless such employee receives compensation for
8 his employment in excess of the hours above specified at a rate not
9 less than one and one-half times the regular rate at which he is
10 employed, except that the provisions of this subsection (1) shall))~~ No
11 employer shall employ any employee more than forty hours in any work
12 week unless the employee receives compensation for his or her
13 employment at a rate of pay not less than one and one-half times the
14 employee's regular rate of pay for all hours worked over forty hours in
15 the work week.

16 (2) This section does not apply to:

17 (a) Any person exempted pursuant to RCW 49.46.010(5) ((as now or
18 hereafter amended and the provision of this subsection shall not apply
19 to));

20 (b) Employees who request compensating time off in lieu of overtime
21 pay ((nor to));

22 (c) Any individual employed as a seaman whether or not the seaman
23 is employed on a vessel other than an American vessel((, nor to));

24 (d) Seasonal employees who are employed at concessions and
25 recreational establishments at agricultural fairs, including those
26 seasonal employees employed by agricultural fairs, within the state
27 provided that the period of employment for any seasonal employee at any

1 or all agricultural fairs does not exceed fourteen working days a
2 year(~~(, nor to))i~~

3 (e) Any individual employed as a motion picture projectionist if
4 that employee is covered by a contract or collective bargaining
5 agreement which regulates hours of work and overtime pay(~~(, nor to))i~~

6 (f) An individual employed as a truck or bus driver who is subject
7 to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101
8 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system
9 under which the truck or bus driver is paid includes overtime pay,
10 reasonably equivalent to that required by this subsection, for working
11 longer than forty hours per week(~~(,~~

12 ~~(2) No public agency shall be deemed to have violated subsection~~
13 ~~(1) of this section with respect to the employment of any employee in~~
14 ~~fire protection activities or any employee in law enforcement~~
15 ~~activities (including security personnel in correctional institutions)~~
16 ~~if: (a) In a work period of twenty eight consecutive days the employee~~
17 ~~receives for tours of duty which in the aggregate exceed two hundred~~
18 ~~and forty hours; or (b) in the case of such an employee to whom a work~~
19 ~~period of at least seven but less than twenty eight days applies, in~~
20 ~~his work period the employee receives for tours of duty which in the~~
21 ~~aggregate exceed a number of hours which bears the same ratio to the~~
22 ~~number of consecutive days in his work period as two hundred forty~~
23 ~~hours bears to twenty eight days; compensation at a rate not less than~~
24 ~~one and one half times the regular rate at which he is employed:~~
25 ~~PROVIDED, That this section shall not apply to))i~~

26 (g) Any individual employed (i) on a farm, in the employ of any
27 person, in connection with the cultivation of the soil, or in
28 connection with raising or harvesting any agricultural or horticultural
29 commodity, including raising, shearing, feeding, caring for, training,
30 and management of livestock, bees, poultry, and furbearing animals and

1 wildlife, or in the employ of the owner or tenant or other operator of
2 a farm in connection with the operation, management, conservation,
3 improvement, or maintenance of such farm and its tools and equipment;
4 or (ii) ~~((in packing, packaging, grading, storing or delivering to~~
5 ~~storage, or to market or to a carrier for transportation to market, any~~
6 ~~agricultural or horticultural commodity; or (iii) commercial canning,~~
7 ~~commercial freezing, or any other commercial processing, or))~~ with
8 respect to services performed in connection with the cultivation,
9 raising, harvesting, and processing of oysters ~~((or in connection with~~
10 ~~any agricultural or horticultural commodity after its delivery to a~~
11 ~~terminal market for distribution for consumption: PROVIDED FURTHER,~~
12 ~~That in))~~; or

13 (h) Any industry in which federal law provides for an overtime
14 payment based on a work week other than forty hours ~~((then provisions~~
15 ~~of this section shall not apply;))~~. However, the provisions of the
16 federal law regarding overtime payment based on a work week other than
17 forty hours shall nevertheless apply to employees covered by this
18 section without regard to the existence of actual federal jurisdiction
19 over the industrial activity of the particular employer within this
20 state~~((: PROVIDED FURTHER, That))~~. For the purposes of this
21 subsection, "industry" ~~((as that term is used in this section shall~~
22 ~~mean))~~ means a trade, business, industry, or other activity, or branch,
23 or group thereof, in which individuals are gainfully employed (section
24 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law
25 93-259)).

26 (3) No public agency shall be deemed to have violated subsection
27 (1) of this section with respect to the employment of any employee in
28 fire protection activities or any employee in law enforcement
29 activities, including security personnel in correctional institutions,
30 if the employee receives compensation at a rate not less than one and

1 one-half times the regular rate at which he or she is employed for
2 tours of duty that:

3 (a) In the aggregate, in a work period of twenty-eight consecutive
4 days, exceed two hundred twelve hours in the case of employees in fire
5 protection activities and one hundred seventy-one hours in the case of
6 employees in law enforcement activities; or

7 (b) In the case of an employee to whom a work period of at least
8 seven but less than twenty-eight days applies, in the aggregate exceed
9 a number of hours which bears the same ratio to the number of
10 consecutive days in his or her work period: (i) For an employee in
11 fire protection activity, as two hundred twelve hours bears to
12 twenty-eight days, or (ii) for an employee in law enforcement
13 activities, as one hundred seventy-one hours bears to twenty-eight
14 days."

15 "NEW SECTION. Sec. 502. (1) Except as otherwise provided in this
16 section, no employer may require an employee to work: (a) More than
17 eight hours in any work day; or (b) more than forty hours in any work
18 week. However, this section does not prohibit an employee from
19 voluntarily agreeing to work more than eight hours in any work day or
20 more than forty hours in any work week, subject to the requirements of
21 RCW 49.46.130.

22 (2) Notwithstanding subsection (1) of this section, an employee may
23 be required to work up to ten hours in a work day if the employer's
24 work week is based on four ten-hour days in a work week. An employee
25 is not prohibited from voluntarily agreeing to work more than ten hours
26 in a work day, subject to the requirements of RCW 49.46.130.

27 (3)(a) An employer may petition the department for a variance from
28 the requirements of subsection (1) of this section if at least eighty
29 percent of the employer's employees in the affected work unit or, if

1 the employees are represented by an exclusive bargaining
2 representative, in the affected bargaining unit vote by secret ballot
3 to approve a written proposal for regularly scheduled hours of work of
4 more than eight hours in a work day or of more than forty hours in a
5 work week. The agreement shall not permit the employer to require any
6 employee to work more than twelve hours in a work day or more than an
7 average of forty-two hours per work week in four consecutive work
8 weeks.

9 (b) The department shall adopt rules providing for the election
10 procedures and documentation required to apply for a variance under
11 this subsection. The rules shall include provisions that require
12 employee approval of the variance no less than annually, and that make
13 supervisors ineligible to vote. For the purposes of this subsection
14 (b), "supervisor" means any employee having authority, in the interest
15 of the employer, to hire, transfer, suspend, lay off, recall, promote,
16 discharge, assign, reward, or discipline other employees, or
17 responsibly to direct them, or to adjust their grievances, or
18 effectively to recommend such action, if in connection with the
19 foregoing the exercise of such authority is not of a merely routine or
20 clerical nature, but requires the use of independent judgment.

21 (c) Nothing in this subsection limits the application of RCW
22 49.46.130 to the employees covered by a variance under this subsection.

23 (4) This section does not apply to:

24 (a) An employer who employs fewer than twenty-five individuals;

25 (b) An individual exempt under RCW 49.46.010(5) or 49.46.130(2),
26 except for RCW 49.46.130(2)(f);

27 (c) An individual employed in fire protection or law enforcement
28 activities; or

29 (d) Work performed in emergency situations that endanger public
30 health and safety, including, but not limited to, fires, natural

1 disasters, civil disorders, utility interruptions, emergency medical
2 services regulated under chapter 18.73 RCW, services required by the
3 armed forces of the United States, or other situations determined by
4 the department to be emergencies endangering public health and safety.

5 No exemption under this section shall be deemed to provide an
6 exemption under RCW 49.46.130."

7 "NEW SECTION. Sec. 503. (1) No employer may discharge or in any
8 manner discriminate against an employee because the employee exercises
9 any of the rights provided in section 502 of this act, including the
10 right to vote under 502(3) of this act.

11 (2) Any employee who believes that he or she has been discharged or
12 otherwise discriminated against in violation of this section may,
13 within one year after such violation occurs, file a complaint with the
14 director alleging such discrimination. Upon receipt of a complaint,
15 the director shall cause an investigation to be made as the director
16 deems appropriate. If after investigation, the director determines
17 that the provisions of this section have been violated, the director
18 may bring an action in superior court of the county in which the
19 violation is alleged to have occurred against the person or persons
20 alleged to have violated the provisions of this section. If the
21 director declines to investigate a complaint of discrimination under
22 the provisions of this section, or declines to institute legal action
23 following an investigation, the employee may institute the action on
24 his or her own behalf after receiving notice of the director's decision
25 to not investigate or not initiate legal action on the case. In any
26 action under this section, the superior court shall have jurisdiction,
27 for cause shown, to restrain violations of subsection (1) of this
28 section and to order all appropriate relief including rehiring or

1 reinstatement of the employee to his or her former position with back
2 pay.

3 (3) Within ninety days of the receipt of the complaint filed under
4 this section, the director shall notify the complainant of the
5 determination under subsection (2) of this section."

6 "NEW SECTION. Sec. 504. If employees are covered by an unexpired
7 collective bargaining agreement containing terms that conflict with
8 section 502 of this act, and the agreement expires on or after the
9 effective date of this act, section 502 of this act shall apply to
10 these employees on the first day following expiration of the collective
11 bargaining agreement."

12 "B. Minimum Wage"

13 "Sec. 505. RCW 49.46.020 and 1989 c 1 s 2 are each amended to read
14 as follows:

15 (1) Every employer shall pay to each of his or her employees who
16 has reached the age of eighteen years wages at a rate of not less than
17 ((three dollars and eighty-five cents per hour except as may be
18 otherwise provided under this section. Beginning January 1, 1990, the
19 state minimum wage shall be)) four dollars and twenty-five cents per
20 hour, except that the wage rate is:

21 (a) Beginning on July 1, 1991, four dollars and seventy-five cents
22 per hour;

23 (b) Beginning on January 1, 1992, five dollars and twenty-five
24 cents per hour; and

25 (c) Beginning on April 1, 1993, and readjusted beginning on each
26 April 1st thereafter, adjusted to the nearest cent which bears the
27 ratio of its original amount that exists between the index for 1991 and

1 the index for the calendar year prior to the year of adjustment. For
2 the purposes of this subsection "index" means the same as RCW
3 2.12.037(1).

4 (2) The director shall by regulation establish the minimum wage for
5 employees under the age of eighteen years."

6 "C. Enforcement of Wage and Hour Standards"

7 "NEW SECTION. Sec. 506. The legislature finds that over twenty-
8 five thousand state residents per year file cases and complaints with
9 the department of labor and industries alleging they have been denied
10 payment for work they performed. Each month an average of over one
11 million dollars in back wages is sought by workers.

12 The legislature further finds that the Washington state minimum
13 wage law and wage claim laws do not require payment of interest on back
14 wages owed and do not authorize adequate penalties against violators.
15 To improve compliance, the department of labor and industries should be
16 allowed to assess interest on back wages and impose civil penalties
17 against employers who are found to be not in compliance with chapters
18 49.46 and 49.48 RCW."

19 **"Sec. 507.** RCW 49.46.100 and 1959 c 294 s 10 are each amended to
20 read as follows:

21 (1) Any employer who hinders or delays the director or ((his)) the
22 director's authorized representatives in the performance of ((his)) the
23 director's duties in the enforcement of this chapter, or refuses to
24 admit the director or ((his)) the director's authorized representatives
25 to any place of employment, or fails to make, keep, and preserve any
26 records as required under the provisions of this chapter, or falsifies
27 any such record, or refuses to make any record accessible to the

1 director or ~~((his))~~ the director's authorized representatives upon
2 demand, or refuses to furnish a sworn statement of such record or any
3 other information required for the proper enforcement of this chapter
4 to the director or ~~((his))~~ the director's authorized representatives
5 upon demand(~~(, or pays or agrees to pay wages at a rate less than the~~
6 ~~rate applicable under this chapter, or otherwise violates any provision~~
7 ~~of this chapter or of any regulation issued under this chapter)) shall~~
8 be deemed in violation of this chapter and shall(~~(, upon conviction~~
9 ~~therefor, be guilty of a gross misdemeanor)) be assessed a civil
10 penalty for each violation of not more than one thousand dollars
11 depending on the size of the business and the gravity of the violation.~~

12 (2) ~~((Any))~~ (a) An employer who pays or agrees to pay wages at a
13 rate less than the rate applicable under this chapter or any rule or
14 order adopted under this chapter may be assessed civil penalties of an
15 amount equal to twenty percent of the wage violation.

16 (b) An employer who willfully or repeatedly pays or agrees to pay
17 wages at a rate less than the rate applicable under this chapter or a
18 rule or order adopted under this chapter is in violation of this
19 chapter, and shall, upon conviction, be guilty of a gross misdemeanor.

20 (3) Upon a finding by the director that an employer who discharges
21 or in any other manner discriminates against any employee because such
22 employee has made any complaint to his or her employer, to the
23 director, or his or her authorized representatives that he or she has
24 not been paid wages in accordance with the provisions of this chapter,
25 or that the employer has violated any provision of this chapter, or
26 because such employee has caused to be instituted or is about to cause
27 to be instituted any proceeding under or related to this chapter, or
28 because such employee has testified or is about to testify in any such
29 proceeding (~~(shall be deemed in violation of this chapter and shall,~~
30 upon conviction therefor, be guilty of a gross misdemeanor)), the

1 director may require an employer who has discharged or discriminated
2 against an employee in violation of this chapter to reinstate the
3 employee to the same position with back pay and interest up to one
4 percent per month.

5 (4) Civil penalties imposed under this chapter shall be paid to the
6 director for deposit in the general fund. Civil penalties may be
7 recovered and other civil remedies authorized by this chapter may be
8 enforced in a civil action in the name of the department brought in the
9 superior court of the county where the violation is alleged to have
10 occurred, or the department may use the procedures for collection of
11 wages set forth in chapter 49.48 RCW."

12 **"Sec. 508.** RCW 49.48.040 and 1987 c 172 s 1 are each amended to
13 read as follows:

14 (1) The department of labor and industries may:

15 (a) Conduct investigations to ensure compliance with chapters
16 39.12, 49.46, and 49.48 RCW, upon obtaining information indicating an
17 employer may be committing a violation under chapters 39.12, 49.46, and
18 49.48 RCW(~~, conduct investigations to ensure compliance with chapters~~
19 39.12, 49.46, and 49.48 RCW));

20 (b) Order the payment of all wages owed the workers, including
21 interest of up to one percent per month on back wages owed, and
22 institute actions necessary for the collection of the sums determined
23 owed; and

24 (c) Take assignments of wage claims and prosecute actions for the
25 collection of wages and interest of up to one percent per month on back
26 wages owed of persons who are financially unable to employ counsel when
27 in the judgment of the director of the department the claims are valid
28 and enforceable in the courts.

1 (2) Upon being informed of a wage claim against an employer or
2 former employer, the director shall, if such claim appears to be just,
3 immediately notify the employer or former employer, of such claim by
4 mail. If the employer or former employer fails to pay the claim or
5 make satisfactory explanation to the director of the failure to do so,
6 within thirty days thereafter, the employer or former employer shall be
7 liable to a penalty of twenty percent of that portion of the claim
8 found to be justly due. The director shall have a cause of action
9 against the employer or former employer for the recovery of such
10 penalty, and the same may be included in any subsequent action by the
11 director on said wage claim, or may be exercised separately after
12 adjustment of such wage claim without court action. Civil penalties
13 imposed under this section shall be paid to the director for deposit in
14 the general fund.

15 (3) The director of the department or any authorized representative
16 may, for the purpose of carrying out RCW 49.48.040 through 49.48.080:
17 (a) Issue subpoenas to compel the attendance of witnesses or parties
18 and the production of books, papers, or records; (b) administer oaths
19 and examine witnesses under oath; (c) take the verification of proof of
20 instruments of writing; and (d) take depositions and affidavits. If
21 assignments for wage claims are taken, court costs shall not be payable
22 by the department for prosecuting such suits.

23 (~~(3)~~) (4) The director shall have a seal inscribed "Department of
24 Labor and Industries--State of Washington" and all courts shall take
25 judicial notice of such seal. Obedience to subpoenas issued by the
26 director or authorized representative shall be enforced by the courts
27 in any county.

28 (~~(4)~~) (5) The director or authorized representative shall have
29 free access to all places and works of labor. Any employer or any
30 agent or employee of such employer who refuses the director or

1 authorized representative admission therein, or who, when requested by
2 the director or authorized representative, willfully neglects or
3 refuses to furnish the director or authorized representative any
4 statistics or information pertaining to his or her lawful duties, which
5 statistics or information may be in his or her possession or under the
6 control of the employer or agent, shall be guilty of a misdemeanor.

7 (6) An action for relief under this section shall be commenced
8 within three years after the cause of action accrues, unless a longer
9 period of time applies under law."

10 "Sec. 509. RCW 49.48.060 and 1971 ex.s. c 55 s 4 are each amended
11 to read as follows:

12 (1) If upon investigation by the director, after taking assignments
13 of any wage claim under RCW 49.48.040, it appears to the director that
14 the employer is representing to ((his)) employees that ((he)) the
15 employer is able to pay wages for their services and that the employees
16 are not being paid for their services or if the director determines an
17 employer has repeatedly violated the provisions of chapter 39.12, 49.46
18 or 49.48 RCW requiring payment of wages, the director may require the
19 employer to give a bond in such sum as the director deems reasonable
20 and adequate in the circumstances, with sufficient surety, conditioned
21 that the employer will for a definite future period not exceeding six
22 months conduct ((his)) business and pay ((his)) employees in accordance
23 with the laws of the state of Washington.

24 (2) If within ten days after demand for such bond the employer
25 fails to provide the same, the director may commence a suit against the
26 employer in the superior court of appropriate jurisdiction to compel
27 ((him)) the employer to furnish such bond or cease doing business until
28 ((he)) the employer has done so. The employer shall have the burden of
29 proving the amount thereof to be excessive.

1 (3) If the court finds that there is just cause for requiring such
2 bond and that the same is reasonable, necessary or appropriate to
3 secure the prompt payment of the wages of the employees of such
4 employer and his compliance with RCW 49.48.010 through 49.48.080, the
5 court shall enjoin such employer from doing business in this state
6 until the requirement is met, or shall make other, and may make
7 further, orders appropriate to compel compliance with the requirement.

8 ~~((Upon being informed of a wage claim against an employer or former
9 employer, the director shall, if such claim appears to be just,
10 immediately notify the employer or former employer, of such claim by
11 mail. If the employer or former employer fails to pay the claim or
12 make satisfactory explanation to the director of his failure to do so,
13 within thirty days thereafter, the employer or former employer shall be
14 liable to a penalty of ten percent of that portion of the claim found
15 to be justly due. The director shall have a cause of action against
16 the employer or former employer for the recovery of such penalty, and
17 the same may be included in any subsequent action by the director on
18 said wage claim, or may be exercised separately after adjustment of
19 such wage claim without court action.))"~~

20 "PART VI

21 APPROPRIATIONS"

22 "NEW SECTION. **Sec. 601.** The sum of five hundred thousand
23 dollars, or as much thereof as may be necessary, is appropriated for
24 the biennium ending June 30, 1993, from the general fund to the
25 department of labor and industries for additional full-time equivalents
26 to enhance enforcement of employment standards."

1 "NEW SECTION. Sec. 602. The sum of one million six hundred
2 thousand dollars, or as much thereof as may be necessary, is
3 appropriated for the biennium ending June 30, 1993, of which three
4 hundred thousand dollars shall come from the general fund and one
5 million three hundred thousand dollars shall be matched by federal
6 child care and development block grant funds to the department of
7 social and health services for the purposes of sections 305 through 307
8 of this act."

9 "PART VII
10 MISCELLANEOUS"

11 "NEW SECTION. Sec. 701. RCW 41.04.370 and 1984 c 162 s 1 are
12 hereby repealed."

13 "NEW SECTION. Sec. 702. This act shall be known and may be cited
14 as the "Foundation for Families Act of 1991."

15 "NEW SECTION. Sec. 703. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected."

19 "NEW SECTION. Sec. 704. If by June 30, 1991, the omnibus
20 operating budget appropriations act for the 1991-93 biennium does not
21 provide specific funding for sections 304, 305, and 306 of this act,
22 referencing the sections by bill and section number, any such section
23 not referenced is null and void."

1 "NEW SECTION. **Sec. 705.** Part headings as used in this act
2 constitute no part of the law."

3 "NEW SECTION. **Sec. 706.** Sections 401 through 408 and 505 of this
4 act are necessary for the immediate preservation of the public peace,
5 health, or safety, or support of the state government and its existing
6 public institutions, and shall take effect July 1, 1991."

7 "NEW SECTION. **Sec. 707.** Sections 201 through 209 of this act
8 shall take effect September 1, 1991."

9 "NEW SECTION. **Sec. 708.** Sections 404 through 406 and section 408
10 of this act are each added to chapter 49.12 RCW."

11 "NEW SECTION. **Sec. 709.** Sections 502 through 504 of this act are
12 each added to chapter 49.46 RCW."

13 **SHB 1471** - H COMM AMD
14 By Committee on Appropriations

15
16 On page 1, line 1 of the title, after "act;" strike the remainder
17 of the title and insert "amending RCW 49.78.020, 49.78.030, 49.78.040,
18 49.78.050, 49.78.070, 49.78.130, 74.13.0902, 43.31.512, 74.13.0903,
19 41.04.385, 82.02.020, 49.12.121, 49.12.170, 49.46.130, 49.46.020,
20 49.46.100, 49.48.040, and 49.48.060; adding new sections to chapter
21 49.12 RCW; adding a new section to chapter 49.78 RCW; adding a new
22 section to chapter 74.13 RCW; adding new sections to chapter 49.46 RCW;
23 creating new sections; repealing RCW 49.78.060, 49.78.210, 49.12.123,
24 and 41.04.370; prescribing penalties; making appropriations; providing
25 effective dates; and declaring an emergency."