

1 **SHB 1471** - H AMD TO APPROPRIATIONS COMM AMD **235 Adopted 3-20-91**
2 By Representatives T. Mielke and Ballard

3 On page 37, after line 25, insert:

4 Sec. 510. RCW 49.46.010 and **1989 c 1 ú 1** are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Director" means the director of labor and industries;

8 (2) "Wage" means compensation due to an employee by reason of
9 employment, payable in legal tender of the United States or checks
10 on banks convertible into cash on demand at full face value,
11 subject to such deductions, charges, or allowances as may be
12 permitted by regulations of the director;

13 (3) "Employ" includes to permit to work;

14 (4) "Employer" includes any individual, partnership,
15 association, corporation, business trust, or any person or group of
16 persons acting directly or indirectly in the interest of an
17 employer in relation to an employee;

18 (5) "Employee" includes any individual employed by an employer
19 but shall not include:

20 (a) Any individual (i) employed as a hand harvest laborer and
21 paid on a piece rate basis in an operation which has been, and is
22 generally and customarily recognized as having been, paid on a

1 piece rate basis in the region of employment; (ii) who commutes
2 daily from his or her permanent residence to the farm on which he
3 or she is employed; and (iii) who has been employed in agriculture
4 less than thirteen weeks during the preceding calendar year;

5 (b) Any individual employed in casual labor in or about a
6 private home, unless performed in the course of the employer's
7 trade, business, or profession;

8 (c) Any individual employed in a bona fide executive,
9 administrative, or professional capacity or in the capacity of
10 outside salesman as those terms are defined and delimited by
11 regulations of the director. However, those terms shall be defined
12 and delimited by the state personnel board pursuant to chapter
13 41.06 RCW and the higher education personnel board pursuant to
14 chapter 28B.16 RCW for employees employed under their respective
15 jurisdictions;

16 (d) Any individual engaged in the activities of an
17 educational, charitable, religious, state or local governmental
18 body or agency, or nonprofit organization where the employer-
19 employee relationship does not in fact exist or where the services
20 are rendered to such organizations gratuitously. If the individual
21 receives reimbursement in lieu of compensation for normally
22 incurred out-of-pocket expenses or receives a nominal amount of
23 compensation per unit of voluntary service rendered, an employer-
24 employee relationship is deemed not to exist for the purpose of
25 this section or for purposes of membership or qualification in any
26 state, local government or publicly supported retirement system

1 other than that provided under chapter 41.24 RCW;

2 (e) Any individual employed full time by any state or local
3 governmental body or agency who provides voluntary services but
4 only with regard to the provision of the voluntary services. The
5 voluntary services and any compensation therefor shall not affect
6 or add to qualification, entitlement or benefit rights under any
7 state, local government, or publicly supported retirement system
8 other than that provided under chapter 41.24 RCW;

9 (f) Any newspaper vendor or carrier;

10 (g) Any carrier subject to regulation by Part 1 of the
11 Interstate Commerce Act;

12 (h) Any individual engaged in forest protection and fire
13 prevention activities;

14 (i) Any individual employed by any charitable institution
15 charged with child care responsibilities engaged primarily in the
16 development of character or citizenship or promoting health or
17 physical fitness or providing or sponsoring recreational
18 opportunities or facilities for young people or members of the
19 armed forces of the United States;

20 (j) Any individual whose duties require that he or she reside
21 or sleep at the place of his or her employment or who otherwise
22 spends a substantial portion of his or her work time subject to
23 call, and not engaged in the performance of active duties;

24 (k) Any resident, inmate, or patient of a state, county, or
25 municipal correctional, detention, treatment or rehabilitative

1 institution;

2 (l) Any individual who holds a public elective or appointive
3 office of the state, any county, city, town, municipal corporation
4 or quasi municipal corporation, political subdivision, or any
5 instrumentality thereof(~~(, or any employee of the state~~
6 ~~legislature))~~);

7 (m) All vessel operating crews of the Washington state ferries
8 operated by the department of transportation;

9 (n) Any individual employed as a seaman on a vessel other than
10 an American vessel.

11 (6) "Occupation" means any occupation, service, trade,
12 business, industry, or branch or group of industries or employment
13 or class of employment in which employees are gainfully employed.

EFFECT: Requires the state legislature to comply with the standards that this act imposes upon other employers.