

1 **SHB 1030** - H AMD

2 By Representative Romero

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter
6 49.12 RCW to read as follows:

7 (1) Except for employment standards relating to hazardous
8 occupations, a contract entered into as specified in this section
9 by a minor age sixteen or older may provide for different
10 employment standards during the school year than the employment
11 standards for minors under RCW 49.12.121, or rules adopted under
12 RCW 49.12.121. The contract must be approved and signed by the
13 minor, the minor's parent or legal guardian, a representative of
14 the minor's school, and each of the minor's employers. The
15 contract shall be filed with the minor's school and a copy
16 maintained on record by the minor's employer. The contract may
17 be renewed each school quarter or trimester, as long as the terms
18 of the contract are met.

19 (2) The contract shall contain provisions:

20 (a) Stating the minor's reasons for seeking working
21 conditions that differ from the requirements of RCW 49.12.121 or
22 rules adopted under RCW 49.12.121, including financial need;

23 (b) Requiring a meeting of the contracting parties at least
24 once each school quarter to evaluate at least the following:

25 (i) The minor's school performance. The school
26 representative shall evaluate and report on the minor's progress
27 in school, including reports on attendance, grades, and
28 attentiveness in school. If there is a significant decline in
29 school performance, the school representative shall make
30 recommendations regarding termination of or changes to the
31 contract. Any final decision regarding termination of or changes

1 to the contract shall be made by the minor's parent or guardian;
2 and

3 (ii) The minor's job performance. Each employer with whom
4 the minor is employed shall evaluate and report on the basic work
5 skills learned by the minor, including work attendance and
6 ability to follow instructions;

7 (c) Specifying the working conditions for the minor that
8 will differ from the working conditions under RCW 49.12.121 or
9 rules adopted under RCW 49.12.121, but the minor may not work:

10 (i) During hours when school is in session, unless the minor
11 is participating in a work experience program certified and
12 monitored by the office of the superintendent of public
13 instruction or the minor's school district; or

14 (ii) More than thirty-two hours per week when school is in
15 session; and

16 (d) Stating the employer's obligation to comply with chapter
17 49.46 RCW and the employment standards of this chapter, including
18 maintaining a minor work permit, not otherwise specified by the
19 contract.

20
21 **Sec. 2.** RCW 49.12.121 and 1993 c 294 ú 9 are each amended
22 to read as follows:

23 (1) The department may at any time inquire into wages,
24 hours, and conditions of labor of minors employed in any trade,
25 business, or occupation in the state of Washington and may adopt
26 special rules for the protection of the safety, health, and
27 welfare of minor employees. When a minor is employed by more than
28 one employer, the total hours worked by the minor in all
29 employments must be included in determining compliance with rules
30 that limit the hours worked per day or week, or other specified
31 work period. However, the rules may not limit the hours per day
32 or per week, or other specified work period, that may be worked
33 by minors who are emancipated by court order.

1 (2) The department shall issue work permits to employers for
2 the employment of minors, after being assured the proposed
3 employment of a minor meets the standards for the health, safety,
4 and welfare of minors as set forth in the rules adopted by the
5 department. No minor person shall be employed in any occupation,
6 trade, or industry subject to chapter 16, Laws of 1973 2nd ex.
7 sess., unless a work permit has been properly issued, with the
8 consent of the parent, guardian, or other person having legal
9 custody of the minor and with the approval of the school which
10 such minor may then be attending. However, the consent of a
11 parent, guardian, or other person, or the approval of the school
12 which the minor may then be attending, is unnecessary if the
13 minor is emancipated by court order.

14 (3) The minimum wage for minors shall be as prescribed in
15 RCW 49.46.020.

16
17 **Sec. 3.** RCW 49.12.410 and 1991 c 303 ú 5 are each amended
18 to read as follows:

19 (1) An employer who knowingly or recklessly violates the
20 requirements of RCW 49.12.121 or 49.12.123, or a rule or order
21 adopted under RCW 49.12.121 or 49.12.123, is guilty of a gross
22 misdemeanor. An employer whose practices in violation of the
23 requirements of RCW 49.12.121 or 49.12.123, or a rule or order
24 adopted under RCW 49.12.121 or 49.12.123, result in the death or
25 permanent disability of a minor employee is guilty of a class C
26 felony.

27 (2) This subsection does not apply to violations of the
28 requirements for minor work permits or maintenance of records.

29
30 NEW SECTION. **Sec. 4.** The department of labor and
31 industries shall, in consultation with an advisory committee of
32 educators, review the impact of employment standards for minors
33 on minors' education and employment opportunities, including a

1 review of the job skills and work ethic training that the minors
2 obtain through the employment opportunities available to minors.
3 By December 1, 1995, the department shall report its findings and
4 recommendations from the study to the appropriate committees of
5 the legislature."
6
7 Correct the title accordingly.

EFFECT: The striking amendment deletes the provisions of the substitute bill that would have modified the authority of the Department of Labor and Industries to adopt rules regarding the employment of minors.

The striking amendment: (1) retains the department's current authority to adopt these rules, but allows a minor age 16 or 17 to enter into a contract with his or her parents, school, and employers that could specify working conditions during the school year that are different from the rules, except that the minor could not work in prohibited hazardous occupations, during school hours (unless in a school work experience program), or more than 32 hours per week when school is in session; (2) specifies that in determining compliance with rules that limit work hours, all the hours worked by a minor in more than one employment must be included; (3) provides that criminal penalties for violations of the minor employment standards do not apply to the minor work permit requirement or recordkeeping requirements; and (4) requires the Department of Labor and Industries to report by December 1, 1995, regarding the impact of minor employment standards on minors' education and employment opportunities.