

2 SSB 5739 - S AMD - 197
3 By Senators Horn and Haugen

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

7 "Sec. 1. RCW 49.12.005 and 1994 c 164 s 13 are each amended to
8 read as follows:

9 For the purposes of this chapter:

10 (1) The term "department" means the department of labor and
11 industries.

12 (2) The term "director" means the director of the department of
13 labor and industries, or the director's designated representative.

14 (3) The term "employer" means any person, firm, corporation,
15 partnership, business trust, legal representative, or other business
16 entity which engages in any business, industry, profession, or activity
17 in this state and employs one or more employees and for the purposes of
18 RCW 49.12.270 through 49.12.295 and section 2 of this act also includes
19 the state, any state institution, any state agency, political
20 subdivisions of the state, and any municipal corporation or quasi-
21 municipal corporation.

22 (4) The term "employee" means an employee who is employed in the
23 business of the employee's employer whether by way of manual labor or
24 otherwise.

25 (5) The term "conditions of labor" shall mean and include the
26 conditions of rest and meal periods for employees including provisions
27 for personal privacy, practices, methods and means by or through which
28 labor or services are performed by employees and includes bona fide
29 physical qualifications in employment, but shall not include conditions
30 of labor otherwise governed by statutes and rules and regulations
31 relating to industrial safety and health administered by the
32 department.

33 (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a
34 minor is defined to be a person of either sex under the age of eighteen
35 years.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW
2 to read as follows:

3 (1) Notwithstanding the provisions of chapter 49.46 RCW or other
4 provisions of this chapter, the obligation of an employer to furnish or
5 compensate an employee for apparel required during work hours shall be
6 determined only under this section.

7 (2) Employers are not required to furnish or compensate employees
8 for apparel that an employer requires an employee to wear during
9 working hours unless the required apparel is a uniform.

10 (3) As used in this section, a uniform is:

11 (a) Apparel of a distinctive style and quality that, when worn
12 outside of the workplace, clearly identifies the person as an employee
13 of a specific employer;

14 (b) Apparel that is specially marked with an employer's logo;

15 (c) Unique apparel representing an historical time period or an
16 ethnic tradition; or

17 (d) Formal apparel.

18 (4) Except as provided in subsection (5) of this section, if an
19 employer requires an employee to wear apparel of a common color that
20 conforms to a general dress code or style, the employer is not required
21 to furnish or compensate an employee for that apparel. For the
22 purposes of this subsection, "common color" is limited to the following
23 colors or shades of colors: Black, white, light gray, gray, tan,
24 khaki, dark brown, brown, navy blue, and blue, commonly worn in public.

25 (5) If an employer changes the color or colors of apparel required
26 to be worn by all employees more than once in a calendar year, the
27 employer shall furnish or compensate the employee for the apparel.

28 (6) For the purposes of this section, personal protective equipment
29 required for employee protection under chapter 49.17 RCW is not deemed
30 to be employee wearing apparel.

31 NEW SECTION. **Sec. 3.** Nothing in this act shall be construed to
32 alter the terms, conditions, or practices contained in any collective
33 bargaining agreement in effect at the time of the effective date of
34 this act until the expiration date of such agreement."

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4 On page 1, line 1 of the title, after "apparel;" strike the
5 remainder of the title and insert "amending RCW 49.12.005; adding a new
6 section to chapter 49.12 RCW; and creating a new section."

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