

SENATE BILL REPORT

SB 6536

As Passed Senate, February 10, 1998

Title: An act relating to employee wearing apparel.

Brief Description: Prescribing employer obligations to furnish wearing apparel.

Sponsors: Senators Horn, Heavey, Schow, Snyder, Goings, McDonald, Benton, Winsley, Oke and Haugen.

Brief History:

Committee Activity: Commerce & Labor: 1/29/98 [DP].
Passed Senate, 2/10/98, 48-0.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Staff: Traci Ratzliff (786-7452)

Background: The Department of Labor and Industries is authorized by statute to adopt rules establishing employment standards for the protection of the safety, health, and welfare of employees and ensuring that wages satisfy the minimum wage prescribed by state law.

In early 1997, the department issued rules stating that employers who require employees to furnish uniforms or clothing with an employer designated logo, style or color (with no other color options allowed) must reimburse employees for such apparel when the cost of the clothing reduces the employee's wage rate below the state minimum wage in any payroll week. In addition, employers must pay the costs to maintain (professionally clean or repair) uniforms when such costs would reduce the employee's wage below the state minimum wage. This provision does not apply to uniforms that are wash and wear.–

Summary of Bill: If an employer requires an employee to wear a uniform, the employer must furnish or compensate the employee for such apparel.

A uniform is defined as: apparel of a distinctive style and quality that when worn outside the workplace clearly identifies the person as an employee of a specific employer; apparel that is marked with an employer's logo; unique apparel representing a historical time period or ethnic tradition; or formal apparel.

An employer is not required to furnish or compensate an employee for wearing apparel of a common color that conforms to a general dress code or style. Common colors– are defined. An employer is permitted to require an employee to obtain two sets of wearing

apparel to reflect the seasonal changes in weather that necessitate a change in wearing apparel.

If an employer changes the color or colors of the apparel required to be worn by any of his or her employees during a two-year period of time, the employer must furnish or compensate the affected employee or employees for the wearing apparel.

The department is authorized to utilize negotiated rule-making to develop and adopt rules that define apparel that conforms to a general dress code or style. This rule-making authority expires January 1, 2000.

Personal protective equipment required for employee protection under WISHA is not defined as employee wearing apparel.

The provisions of the act do not alter the terms, conditions, or practices contained in an existing collective bargaining agreement in effect at the time this bill becomes law until such agreement expires.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: After seven years, it is a pleasure to have before you an agreed upon bill that addresses the issue of who pays for clothing worn by employees in the workplace.

Testimony Against: None.

Testified: PRO: Jan Gee, Retail Association; Kit Hawkins, Restaurant Association; Joe Daniels, United Food and Commercial Workers; Greg Mowat, Department of Labor and Industries, Program Manager, Employment Standards Division.