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HOUSE BILL 2904

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Clements, Chandler, McMorris and Mulliken

Read first time 02/04/2002. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to the provision of greater predictability and  
2 consistency in the state wage and hour laws; and adding new sections to  
3 chapter 49.46 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 49.46 RCW  
6 to read as follows:

7            The legislature recognizes that Washington state has a long history  
8 of being a pioneer in the protection of worker rights. At the same  
9 time the legislature recognizes the importance of providing reasonable  
10 predictability and certainty to employers who seek to comply with  
11 statutory requirements. Workers and employers have a right to expect  
12 clarity and consistency in the determination of their rights and  
13 obligations under the law. The legislature finds that such  
14 expectations are currently not being met. The legislature further  
15 finds that in order to meet these expectations, workers and employers  
16 have a right to expect a clear statutory and regulatory framework.  
17 Where state statutes are silent or ambiguous and the state has not  
18 chosen to adopt clarifying rules, employers and workers should be able  
19 to look to federal interpretations for clarity and predictability.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 49.46 RCW  
2 to read as follows:

3        All terms, provisions, rights, and obligations in this chapter  
4 shall be given the same meaning as given to comparable terms,  
5 provisions, rights, and obligations by the federal fair labor standards  
6 act of 1938, as amended, and the regulations interpreting and applying  
7 those terms issued by the United States department of labor. If this  
8 chapter does not contain any term, provision, right, or obligation  
9 contained in the federal fair labor standards act of 1938, as amended,  
10 or in the regulations interpreting and applying those terms issued by  
11 the United States department of labor, then such federal provisions  
12 shall control in any action arising under this chapter. This section  
13 does not apply to the extent any term or provision of this chapter, or  
14 any formal regulation adopted by the department of labor and industries  
15 interpreting and applying this chapter, is expressly contrary to the  
16 comparable provision of the federal fair labor standards act of 1938,  
17 as amended, or the regulations interpreting and applying those terms  
18 issued by the United States department of labor.

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