
SUBSTITUTE SENATE BILL 6054

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Rossi and Fairley; by request of Office of Financial Management)

READ FIRST TIME 04/02/03.

1 AN ACT Relating to clarifying the application of the industrial
2 welfare act to public employers; amending RCW 49.12.005; creating a new
3 section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the enactment of
6 chapter 236, Laws of 1988 amended the definition of employer under the
7 industrial welfare act, chapter 49.12 RCW, to ensure that the family
8 care provisions of that act applied to the state and political
9 subdivisions. The legislature further finds that this amendment of the
10 definition of employer may be interpreted as creating an ambiguity as
11 to whether the other provisions of chapter 49.12 RCW have applied to
12 the state and its political subdivisions. The purpose of this act is
13 to make retroactive, remedial, curative, and technical amendments to
14 clarify the intent of chapter 49.12 RCW and chapter 236, Laws of 1988
15 and resolve any ambiguity. It is the intent of the legislature to
16 establish that, prior to the effective date of this act, chapter 49.12
17 RCW and the rules promulgated thereunder did not apply to the state or
18 its agencies and political subdivisions except as expressly provided
19 for in RCW 49.12.270 through 49.12.295 and 49.12.450.

1 **Sec. 2.** RCW 49.12.005 and 1998 c 334 s 1 are each amended to read
2 as follows:

3 For the purposes of this chapter:

4 (1) (~~The term~~) "Department" means the department of labor and
5 industries.

6 (2) (~~The term~~) "Director" means the director of the department of
7 labor and industries, or the director's designated representative.

8 (3) (~~The term~~) (a) Prior to the effective date of this act,
9 "employer" means any person, firm, corporation, partnership, business
10 trust, legal representative, or other business entity which engages in
11 any business, industry, profession, or activity in this state and
12 employs one or more employees (~~and~~) but does not include the state,
13 any state institution, any state agency, political subdivisions of the
14 state, and any municipal corporation or quasi-municipal corporation.
15 For the purposes of RCW 49.12.270 through 49.12.295 and 49.12.450 only,
16 "employer" also includes the state, any state institution, any state
17 agency, political subdivisions of the state, and any municipal
18 corporation or quasi-municipal corporation.

19 (b) After the effective date of this act, "employer" means any
20 person, firm, corporation, partnership, business trust, legal
21 representative, or other business entity which engages in any business,
22 industry, profession, or activity in this state and employs one or more
23 employees. "Employer" includes the state, any state institution, state
24 agency, political subdivisions of the state, and any municipal
25 corporation or quasi-municipal corporation: PROVIDED, That (i) this
26 chapter and the rules adopted thereunder apply to these public
27 employers only to the extent that this chapter and the rules adopted
28 thereunder do not conflict with any statute, rule, regulation, or
29 ordinance adopted under the authority of the appropriate legislative
30 body; and (ii) employees of public employers may enter into collective
31 bargaining contracts or other employment agreements that specify hours,
32 wages, and working conditions that vary from or supersede the standards
33 and requirements of this chapter and the rules promulgated thereunder.

34 (4) (~~The term~~) "Employee" means an employee who is employed in
35 the business of the employee's employer whether by way of manual labor
36 or otherwise.

37 (5) (~~The term~~) "Conditions of labor" (~~shall~~) means and includes
38 the conditions of rest and meal periods for employees including

1 provisions for personal privacy, practices, methods and means by or
2 through which labor or services are performed by employees and includes
3 bona fide physical qualifications in employment, but shall not include
4 conditions of labor otherwise governed by statutes and rules and
5 regulations relating to industrial safety and health administered by
6 the department.

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

10 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 immediately.

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