
SENATE BILL 6054

State of Washington

58th Legislature

2003 Regular Session

By Senators Rossi and Fairley; by request of Office of Financial Management

Read first time 03/25/2003. Referred to Committee on Ways & Means.

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 leave 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 apply to the state
12 and political subdivisions. The purpose of this act is to make
13 retroactive, remedial, and technical amendments to clarify the intent
14 of chapter 236, Laws of 1988 and resolve any ambiguity.

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

17 For the purposes of this chapter:

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

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

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

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

18 (5) (~~The term~~) "Conditions of labor" (~~shall~~) means and includes
19 the conditions of rest and meal periods for employees including
20 provisions for personal privacy, practices, methods and means by or
21 through which labor or services are performed by employees and includes
22 bona fide physical qualifications in employment, but shall not include
23 conditions of labor otherwise governed by statutes and rules and
24 regulations relating to industrial safety and health administered by
25 the department.

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

29 NEW SECTION. Sec. 3. This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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