

SSB 6185 - H AMD 1064

By Representative Condotta

FAILED 3/1/2006

1 On page 12, beginning on line 28, strike all of section 12 and
2 insert the following:

3 "NEW SECTION. Sec. 12. A new section is added to chapter 49.78
4 RCW to read as follows:

5 (1) Upon receiving a complaint by an employee, the director
6 shall determine whether the complaint involves employee rights
7 under state law that are greater than employee rights under federal
8 law, including, but not limited to:

9 (a) An employee's right to be restored to an equivalent
10 position with equivalent employment benefits, pay, and other terms
11 and conditions of employment at a workplace within twenty miles of
12 the employee's workplace when leave commenced under section 9 of
13 this act; and

14 (b) An employee's right to leave for sickness or temporary
15 disability because of pregnancy or childbirth under chapter 49.60
16 RCW and the rules adopted under chapter 49.60 RCW.

17 (2) If the director determines that the complaint involves
18 employee rights under state law that are greater than employee
19 rights under federal law, the director shall investigate to
20 determine if there has been compliance with this chapter and the
21 rules adopted under this chapter. If the investigation indicates
22 that a violation may have occurred, a hearing must be held in
23 accordance with chapter 34.05 RCW. The director must issue a
24 written determination including his or her findings after the
25 hearing. A judicial appeal from the director's determination may be
26 taken in accordance with chapter 34.05 RCW, with the prevailing
27 party entitled to recover reasonable costs and attorneys' fees.

28 (3) If the director determines that the complaint involves
29 employee rights under state law that are the same or less than

1 employee rights under federal law, the director shall forward the
2 complaint to the United States department of labor."

EFFECT: Requires the Department of Labor and Industries to:

(1) investigate complaints involving employee rights under state law that are greater than employee rights under federal law (rather than all complaints); and

(2) forward complaints involving employee rights under state law that are the same or less than employee rights under federal law to the United States Department of Labor.