

---

**SUBSTITUTE HOUSE BILL 1636**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Labor & Workforce Development (originally sponsored by Representatives Upthegrove, Nealey, Ormsby, Green, Fitzgibbon, Lias, Orcutt, Maxwell, Sullivan, Pedersen, Anderson, Van De Wege, McCune, Orwall, Ross, Goodman, Sells, Bailey, Stanford, Pearson, Roberts, Kristiansen, Warnick, Cody, Moscoso, and Billig)

READ FIRST TIME 02/07/11.

1       AN ACT Relating to amateur sports officials; and amending RCW  
2 50.04.245.

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

4       **Sec. 1.** RCW 50.04.245 and 2007 c 146 s 14 are each amended to read  
5 as follows:

6       (1) Subject to the other provisions of this title, personal  
7 services performed for, or for the benefit of, a third party pursuant  
8 to a contract with a temporary staffing services company or services  
9 referral agency constitutes employment for the temporary staffing  
10 services company or services referral agency when the agency is  
11 responsible, under contract or in fact, for the payment of wages in  
12 remuneration for the services performed.

13       (2) The temporary staffing services company or services referral  
14 agency is considered the employer as defined in RCW 50.04.080.

15       (3) Services performed by amateur sports officials, on a contest-  
16 by-contest basis, for interscholastic and youth or adult recreational  
17 sports contests are not considered employment for a services referral  
18 agency if the agency is not responsible for payment to the amateur

1 sports officials unless and until the agency is paid or reimbursed by  
2 a third party.

3 (4) For the purposes of this section:

4 (a) "Temporary staffing services company" means an individual or  
5 entity that engages in: Recruiting and hiring its own employees;  
6 finding other organizations that need the services of those employees;  
7 and assigning those employees on a temporary basis to perform work at  
8 or services for a client to support or supplement the client's  
9 workforces, or to provide assistance in special work situations, such  
10 as employee absences, skill shortages, and seasonal workloads, or to  
11 perform special assignments or projects, all under the direction and  
12 supervision of the client. "Temporary staffing services company" does  
13 not include professional employer organizations as defined in RCW  
14 50.04.298, permanent employee leasing, or permanent employee placement  
15 services.

16 (b) "Services referral agency" means an individual or entity other  
17 than a professional employer organization as defined in RCW 50.04.298  
18 that is engaged in the business of offering the services of one or more  
19 individuals to perform specific tasks for a third party.

20 (c) "Amateur sports official" means any person who serves as a  
21 neutral participant in any sports contest where the players are not  
22 compensated including, but not limited to, an umpire, referee, judge,  
23 linesperson, scorekeeper, timekeeper, or organizer.

--- END ---