
HOUSE BILL 2591

State of Washington

63rd Legislature

2014 Regular Session

By Representative Schmick

Read first time 01/22/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to state preemption of local employment laws and
2 contracts; amending RCW 49.46.120 and 49.78.360; adding a new section
3 to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW;
4 adding a new section to chapter 36.01 RCW; adding a new section to
5 chapter 53.08 RCW; and adding a new chapter to Title 49 RCW.

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

7 NEW SECTION. **Sec. 1.** (1) The state of Washington hereby occupies
8 and preempts the entire field regarding wages, hours of work, employee
9 retention, and leave from employment within the boundaries of the
10 state. A city, town, county, or port district may not require,
11 enforce, or otherwise regulate by means of charter, ordinance,
12 regulation, rule, resolution, or contract including purchase agreement
13 any of the following for private employers: Payment of wages, hours of
14 work, employee retention, or leave from employment. Any such
15 provisions or terms shall not be adopted or agreed to and are preempted
16 and unenforceable. The state preemption created in this section
17 applies to all charters, ordinances, regulations, rules, and
18 resolutions regulating payment of wages, hours of work, employee
19 retention, or leave from employment for private employers adopted by a

1 city, town, county, or port district before or after the effective date
2 of this section. Any term in a contract or purchase agreement
3 regarding payment of wages, hours of work, employee retention, or leave
4 from employment entered into after the effective date of this section
5 is void and unenforceable.

6 (2) For purposes of this subsection:

7 (a) "Leave from employment" means sick leave, vacation leave,
8 holiday leave, leave when an employee's place of business or child's
9 school or place of care has been closed by order of a public official,
10 and any other type of employee leave except leave for domestic
11 violence, sexual assault, or stalking; and

12 (b) "Employee retention" means offering work to or retaining
13 employees following a business succession.

14 (3) Subsection (1) of this section does not apply to any local
15 laws, ordinances, administrative directives, contracts, or policies
16 that affect only the employees of the city, town, county, or port
17 district.

18 (4) This section does not impair any provision of a collective
19 bargaining agreement in effect on the effective date of this section.

20 (5) The preemption created in this section shall be broadly
21 construed.

22 **Sec. 2.** RCW 49.46.120 and 1961 ex.s. c 18 s 4 are each amended to
23 read as follows:

24 This chapter establishes a minimum standard for wages and working
25 conditions of all employees in this state, unless exempted herefrom,
26 and is in addition to and supplementary to any other federal(~~(7)~~) or
27 state(~~(7, or local)~~) law (~~(or ordinance)~~), or any rule or regulation
28 issued thereunder. Any standards relating to wages, hours, or other
29 working conditions established by any applicable federal(~~(7)~~) or
30 state(~~(7, or local)~~) law (~~(or ordinance)~~), or any rule or regulation
31 issued thereunder, which are more favorable to employees than the
32 minimum standards applicable under this chapter, or any rule or
33 regulation issued hereunder, shall not be affected by this chapter and
34 such other laws, or rules or regulations, shall be in full force and
35 effect and may be enforced as provided by law.

1 **Sec. 3.** RCW 49.78.360 and 2006 c 59 s 17 are each amended to read
2 as follows:

3 (~~Nothing in~~) This chapter (~~shall be construed:—(1) To~~) does
4 not modify or affect any state or local law prohibiting discrimination
5 on the basis of race, religion, color, national origin, sex, age, or
6 disability(~~; or (2) to supersede any provision of any local law that~~
7 ~~provides greater family or medical leave rights than the rights~~
8 ~~established under this chapter~~)).

9 NEW SECTION. **Sec. 4.** Section 1 of this act constitutes a new
10 chapter in Title 49 RCW.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21 RCW
12 to read as follows:

13 Section 1 of this act governs the authority of a city or town to
14 regulate private employers and to contract regarding wages, hours of
15 work, employee retention, or leave from employment.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21 RCW
17 to read as follows:

18 Section 1 of this act governs the authority of a code city to
19 regulate private employers and to contract regarding wages, hours of
20 work, employee retention, or leave from employment.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.01 RCW
22 to read as follows:

23 Section 1 of this act governs the authority of a county to regulate
24 private employers and to contract regarding wages, hours of work,
25 employee retention, or leave from employment.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 53.08 RCW
27 to read as follows:

28 Section 1 of this act governs the authority of a port district to
29 regulate private employers and to contract regarding wages, hours of
30 work, employee retention, or leave from employment.

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