Z-0635.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2390**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Klippert, Orwall, Zeiger, Kilduff, MacEwen, Johnson, Haler, Chandler, Short, Kretz, Reykdal, Magendanz, Stanford, Muri, McBride, Moscoso, and Wilson; by request of Military Department

AN ACT Relating to the enforcement of employment rights arising from state active duty service by a member of the national guard; and amending RCW 73.16.061.

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

**Sec.**  RCW 73.16.061 and 2013 c 23 s 190 are each amended to read as follows:

(1) ((~~In case~~)) If any employer, ((~~his or her~~)) or any employer's successor or successors, fails or refuses to comply with the provisions of RCW 73.16.031 through 73.16.061 and 73.16.090, the attorney general ((~~shall~~)) must bring action in the superior court in the county in which the employer is located or does business to obtain an order to specifically require such employer to comply with the provisions of this chapter, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act if:

(a) The service in question was state duty not covered by the uniformed services employment and reemployment rights act of 1994, P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

(b) The ((~~employer support for guard and reserve ombuds~~)) adjutant general of the Washington state military department, or his or her designee, has inquired ((~~in~~)) with the employer regarding the matter and has been unable to resolve it.

(2) If the conditions in subsection (1)(a) and (b) of this section are met, any such person who does not desire the services of the attorney general may, by private counsel, bring such action.

**--- END ---**