
Labor Committee

HB 1930

Brief Description: Addressing the nonemployee status of athletes in amateur sports.

Sponsors: Representatives MacEwen, Riccelli, Parker, Tharinger, McCaslin, Ormsby, Sells and Robinson.

Brief Summary of Bill

- Specifies that "employee" as defined under the Minimum Wage Act, Industrial Welfare Act, and the Industrial Safety and Health Act, does not include an athlete playing in an amateur sports league, club, or association.

Hearing Date: 2/10/15

Staff: Trudes Tango (786-7384).

Background:

Under the state Minimum Wage Act (MWA), employers must pay their employees who are at least 18 years or older the minimum hourly wage. The Department of Labor and Industries (Department) establishes the minimum wage for persons under the age 18, and by rule, allows employees age 14 and 15 to be paid 85 percent of the state minimum wage. Under the MWA, the definition of "employee" specifically excludes certain categories of people, such as certain agricultural workers, individuals doing casual labor in a private home, vessel operating crews on state ferries, inmates, and others.

The Industrial Welfare Act (IWA) establishes, among other things, conditions of employment for minors. The Department may inquiry into the wages, hours, and conditions of labor of minors employed in any trade, business, or occupation in the state. A minor may not work unless the Department has issued to the employer a minor work permit. "Employee" is defined under the IWA as an employee who is employed in the business of the employee's employer, whether by manual labor or otherwise. "Employer" includes any person, firm, corporation, partnership,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in the state and employs one or more employees.

The Washington Industrial Safety and Health Act (WISHA) authorizes the Department to establish safety and health standards for work environments. The Department may issue citations and other orders to employers that violate safety standards.

Washington's industrial insurance laws do not cover amateur athletes.

Summary of Bill:

For the purposes of the MWA, IWA, and WISHA, the term "employee" does not include an individual who is an athlete playing in an amateur sports league, club, or association, whether or not the individual receives a stipend, educational scholarship, or other benefits for playing.

"Amateur sports league, club, or association" means a nonprofit corporation, limited liability company, association, or other group that sponsors or arranges amateur athletic contests, games, meets, matches, tournaments, regattas, or other events in which amateur athletes compete, and which supports or develops amateur athletes for national or international competition. It does not include private or public educational institutions.

"Athlete" means a person who meets the eligibility standards established by the national governing body or Paralympic sports organization for the sport in which the athlete competes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.