
Labor Committee

ESB 5893

Brief Description: Addressing the nonemployee status of athletes affiliated with the Western Hockey League.

Sponsors: Senators Fain, Mullet, Litzow, Liias and Hargrove.

Brief Summary of Engrossed 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 individual who is training or playing as an athlete for a team affiliated with the Western Hockey League.

Hearing Date: 3/17/15

Staff: Trudes Tango (786-7384).

Background:

Under the state Minimum Wage Act (MWA), employers must pay their employees who are at least 18 years old or older the minimum hourly wage. The Department of Labor and Industries (Department) establishes the minimum wage for persons under the age of 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 and individuals doing casual labor in a private home.

The Industrial Welfare Act (IWA) establishes conditions of employment, including work conditions for minors. The Department may inquire 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, business trust, legal representative, or other business entity which

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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.

The Western Hockey League (WHL) is a league of 22 junior hockey teams from different Canadian provinces and Oregon and Washington. Players are usually between the ages of 16 to 20. Players earn financial aid for post-secondary education while playing. Players are also housed with families in the cities in which they play.

Summary of Bill:

For the purposes of the MWA, IWA, and WISHA, the term "employee" does not include any individual for the purposes of training or playing as an athlete for a team affiliated with the Western Hockey League.

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.