
SUBSTITUTE SENATE BILL 5667

State of Washington

65th Legislature

2018 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Kuderer and Hasegawa)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to the off-duty conduct of an employee or a
2 prospective employee; and adding a new section to chapter 49.44 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44
5 RCW to read as follows:

6 (1) Except as provided in subsections (2) through (4) of this
7 section, it is an unfair practice for any employer to fail or refuse
8 to hire an individual; to discharge or bar any person from
9 employment; or to discriminate against any person in compensation or
10 in other terms or conditions of employment, because the prospective
11 employee or the employee participates in or has participated in any
12 activity in furtherance of the exercise of the employee's
13 constitutional rights of free speech and peaceful assembly, or any
14 other rights guaranteed by the first amendment of the Constitution of
15 the United States, if the activity occurs off the premises of the
16 employer during nonworking hours.

17 (2) It is not a violation of subsection (1) of this section for
18 an employer to restrict an employee's participation in activities
19 during nonworking hours if the employer's restriction:

20 (a)(i) Relates to a bona fide occupational requirement, or (ii)
21 is reasonably and rationally related to the employment activities and

1 responsibilities of a particular employee or a particular group of
2 employees, rather than to all employees of the employer; or

3 (b) Is necessary to avoid a conflict of interest with any
4 responsibilities to the employer or the appearance of such a conflict
5 of interest.

6 (3) Subsection (1) of this section does not apply to any employer
7 that is a nonprofit organization with a primary purpose or objective
8 that conflicts with the employee's participation in an activity
9 lawful under state law.

10 (4) This section does not apply to a general or limited authority
11 Washington law enforcement agency as defined in RCW 10.93.020 or a
12 criminal justice agency as defined in RCW 10.97.030.

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