
Housing, Human Services & Veterans Committee

HB 1592

Brief Description: Concerning military spouse employment.

Sponsors: Representatives Leavitt, Vick, Ryu, Corry, Caldier, MacEwen, Graham, Boehnke, Paul, Hoff, Orwall, Barkis, Eslick, Wicks, Bronoske, Callan, Dufault, Gilday, Peterson, Ramos, Rule, Simmons, Slatter, Bergquist, Griffey, Dolan, Donaghy, Riccelli, Ormsby, Chambers and Young.

Brief Summary of Bill

- Establishes requirements for certain state agencies and licensing authorities related to the professional licensing and employment of military spouses.
- Allows a military spouse to terminate an employment contract without penalty.

Hearing Date: 1/18/22

Staff: Serena Dolly (786-7150).

Background:

Professional Licensing.

Washington State regulates a variety of businesses and professions. A business or profession may be regulated directly by an agency or under a board, commission, or other authority that may have sole or shared jurisdiction. Each regulated business and profession is governed under a separate set of laws. Generally, businesses and professions allow for some form of reciprocity for licensees from other states.

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

Requirements for a professional license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Professions Regulated in Title 18 RCW.

Title 18 RCW establishes licensing requirements for many businesses and professions. In some fields, individuals are regulated. In others, it is an entity that is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under Title 18 RCW include the following:

- The Department of Health (DOH) directly regulates or collaborates with a board or commission to oversee health professions, including physicians, nurses, and dentists;
- The Department of Licensing (DOL) directly regulates or collaborates with a board or commission to oversee a wide variety of professions, including architects, cosmetologists, and funeral directors;
- The Department of Labor and Industries (LNI) regulates contractors and plumbers;
- The Board of Accountancy oversees certified public accountants;
- The Department of Ecology regulates persons licensed to dig wells;
- The Department of Financial Institutions regulates escrow agents;
- The State Director of Fire Protection, an appointee of the Chief of the Washington State Patrol, oversees persons licensed or certified to perform services related to fire protection sprinkler systems, including fire protection sprinkling fitters; and
- County auditors register process servers.

Professions Regulated Outside of Title 18 RCW.

The DOL regulates a number of professions outside of Title 18 RCW. These include:

- notary publics;
- driver training instructors;
- timeshare salespersons; and
- a number of categories related to professional athletics.

The LNI also regulates professions outside of Title 18 RCW. These include:

- electricians;
- elevator mechanics and contractors; and
- boiler pressure/vessel commissioning.

A number of other authorities regulate professions outside of Title 18 RCW. These include:

- the Washington Professional Educator Standards Board for certification of teachers in this state;
- the Washington State Bar Association for attorneys and legal technicians;
- the Department of Children, Youth, and Families for child care providers; and
- the Department of Social and Health Services for medical interpreters.

Expedited Professional Licensing for Military Spouses.

A licensing authority that issues certain professional licenses, certificates, registrations, or permits (licenses) must expedite the right of qualified military spouses to provide professional services. A qualified military spouse is a person who:

- is certified or licensed to perform professional services in another state;
- has a spouse that is transferred by the military to this state; and
- left employment in the other state to join their spouse in this state.

Licenses that must be expedited include a broad range of occupations under Title 18 RCW and other statutes.

The procedures must include a process for issuing the military spouse a license, if, in the opinion of the authority, the requirements for licensure of the other state are substantially equivalent to the requirements of this state.

Each licensing authority must develop a method to authorize a military spouse who meets the established criteria to receive a temporary license. The temporary license allows the military spouse to perform services regulated by the authority while completing any specific requirements that may be required in this state that were not required in the other state, unless the authority finds that the requirements of the other state are substantially unequal to the standards in this state.

Reporting Requirements.

The DOL and the DOH are required to report on their efforts to implement legislation modifying professional licensing procedures for military spouses and veterans:

- in a biennial report to the Legislature;
- in an annual report to the Military Transition Council; and
- annually before the Joint Committee on Veterans and Military Affairs.

Employment Contracts.

In general, Washington is an at-will employment state, which means either the employee or employer may terminate an employment relationship at any time without fear of liability. One exception to the at-will employment doctrine is if an employment contract exists.

Summary of Bill:

Expedited Professional Licenses for Military Spouses.

The existing requirement for licensing authorities to issue a regular or temporary professional

license to a qualifying military spouse is modified to require the licenses be issued with 30 days of receipt of a completed application and all required supporting materials.

Military Spouse Assistance Web Page.

The DOH, the DOL, the Employment Security Department (ESD), the Department of Veterans Affairs (WDVA), and the Professional Educator Standards Board (PSEB) are each required to establish a military spouse assistance web page, which must contain:

- each authority's rules and procedures, including any required fees, related to the licensing of military spouses;
- contact information for each authority's military spouse contact or coordinator; and
- links to the military spouse assistance web pages of other agencies.

A direct link to the agency's military spouse assistance web page must be displayed on the agency's home page.

Other Agency Requirements.

The DOH, the DOL, the PESB, and all other authorities with licensing responsibilities under Title 18 RCW, except the LNI, must:

- identify a contact or coordinator within the authority to assist military spouse applicants and licensees; and
- provide training to each board or commission member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths by January 1, 2023, or within 90 days of appointment.

In addition, the DOH, the DOL, the PESB, and other licensing authorities are encouraged to:

- appoint a military spouse to serve on its licensing board or commission;
- conduct a review of the authority's licensing application process for military spouses and identify barriers to military spouse employment; and
- review licensing fees and related expenses and identify possible ways to reduce costs for military spouses.

The WDVA must create an internet-based training that may be used by each licensing authority to satisfy the training requirement for board and commission members.

Military Spouse Employment Demonstration Campaign.

The WDVA, the ESD, and the Department of Commerce must consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of military spouses employed and the local chambers of commerce providing this information to the department.

Reporting Requirements.

The PESB is added to the licensing authorities that must provide an annual report to the

Legislature and appear annually before the Joint Committee on Veterans Affairs to provide updates on their efforts to implement requirements related to military spouse employment.

Employment Contracts.

A military spouse may terminate an employment contract without penalty at any time after the service member receives orders for a permanent change of station if the spouse provides written notice to the employer of the termination. The military spouse also must provide written proof of the official orders showing that the service member has received orders for a permanent change of station. Termination of the employment contract is effective on the day written notice is given or on a date mutually agreed to by the parties to the employment contract.

Appropriation: None.

Fiscal Note: Requested on January 13, 2022.

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