
HOUSE BILL 2364

State of Washington

68th Legislature

2024 Regular Session

By Representatives Fey and Schmidt

Read first time 01/15/24. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to minor league baseball players subject to the
2 terms of a collective bargaining agreement regarding employment
3 status; amending RCW 49.46.010, 49.46.070, and 49.12.050; and
4 reenacting and amending RCW 49.12.187.

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

6 **Sec. 1.** RCW 49.46.010 and 2023 c 269 s 3 are each amended to
7 read as follows:

8 As used in this chapter:

9 (1) "Director" means the director of labor and industries;

10 (2) "Employ" includes to permit to work;

11 (3) "Employee" includes any individual employed by an employer
12 but shall not include:

13 (a) Any individual (i) employed as a hand harvest laborer and
14 paid on a piece rate basis in an operation which has been, and is
15 generally and customarily recognized as having been, paid on a piece
16 rate basis in the region of employment; (ii) who commutes daily from
17 his or her permanent residence to the farm on which he or she is
18 employed; and (iii) who has been employed in agriculture less than
19 thirteen weeks during the preceding calendar year;

1 (b) Any individual employed in casual labor in or about a private
2 home, unless performed in the course of the employer's trade,
3 business, or profession;

4 (c) Any individual employed in a bona fide executive,
5 administrative, or professional capacity or in the capacity of
6 outside salesperson as those terms are defined and delimited by rules
7 of the director. However, those terms shall be defined and delimited
8 by the human resources director pursuant to chapter 41.06 RCW for
9 employees employed under the director of personnel's jurisdiction;

10 (d) Any individual engaged in the activities of an educational,
11 charitable, religious, state or local governmental body or agency, or
12 nonprofit organization where the employer-employee relationship does
13 not in fact exist or where the services are rendered to such
14 organizations gratuitously. If the individual receives reimbursement
15 in lieu of compensation for normally incurred out-of-pocket expenses
16 or receives a nominal amount of compensation per unit of voluntary
17 service rendered, an employer-employee relationship is deemed not to
18 exist for the purpose of this section or for purposes of membership
19 or qualification in any state, local government, or publicly
20 supported retirement system other than that provided under chapter
21 41.24 RCW;

22 (e) Any individual employed full time by any state or local
23 governmental body or agency who provides voluntary services but only
24 with regard to the provision of the voluntary services. The voluntary
25 services and any compensation therefor shall not affect or add to
26 qualification, entitlement, or benefit rights under any state, local
27 government, or publicly supported retirement system other than that
28 provided under chapter 41.24 RCW;

29 (f) Any newspaper vendor, carrier, or delivery person selling or
30 distributing newspapers on the street, to offices, to businesses, or
31 from house to house and any freelance news correspondent or
32 "stringer" who, using his or her own equipment, chooses to submit
33 material for publication for free or a fee when such material is
34 published;

35 (g) Any carrier subject to regulation by Part 1 of the Interstate
36 Commerce Act;

37 (h) Any individual engaged in forest protection and fire
38 prevention activities;

39 (i) Any individual employed by any charitable institution charged
40 with child care responsibilities engaged primarily in the development

1 of character or citizenship or promoting health or physical fitness
2 or providing or sponsoring recreational opportunities or facilities
3 for young people or members of the armed forces of the United States;

4 (j) Any individual whose duties require that he or she reside or
5 sleep at the place of his or her employment or who otherwise spends a
6 substantial portion of his or her work time subject to call, and not
7 engaged in the performance of active duties;

8 (k) Any resident, inmate, or patient of a state, county, or
9 municipal correctional, detention, treatment or rehabilitative
10 institution;

11 (l) Any individual who holds a public elective or appointive
12 office of the state, any county, city, town, municipal corporation or
13 quasi municipal corporation, political subdivision, or any
14 instrumentality thereof, or any employee of the state legislature;

15 (m) All vessel operating crews of the Washington state ferries
16 operated by the department of transportation;

17 (n) Any individual employed as a seaman on a vessel other than an
18 American vessel;

19 (o) Any farm intern providing his or her services to a small farm
20 which has a special certificate issued under RCW 49.12.471;

21 (p) An individual who is at least 16 years old but under twenty-
22 one years old, in his or her capacity as a player for a junior ice
23 hockey team that is a member of a regional, national, or
24 international league and that contracts with an arena owned,
25 operated, or managed by a public facilities district created under
26 chapter 36.100 RCW; or

27 (q) Any individual who has entered into a contract to play
28 baseball at the minor league level and who is compensated pursuant to
29 the terms of a collective bargaining agreement that expressly
30 provides for wages and working conditions;

31 (4) "Employer" includes any individual, partnership, association,
32 corporation, business trust, or any person or group of persons acting
33 directly or indirectly in the interest of an employer in relation to
34 an employee;

35 (5) "Occupation" means any occupation, service, trade, business,
36 industry, or branch or group of industries or employment or class of
37 employment in which employees are gainfully employed;

38 (6) "Retail or service establishment" means an establishment
39 seventy-five percent of whose annual dollar volume of sales of goods

1 or services, or both, is not for resale and is recognized as retail
2 sales or services in the particular industry;

3 (7) "Wage" means compensation due to an employee by reason of
4 employment, payable in legal tender of the United States or checks on
5 banks convertible into cash on demand at full face value, subject to
6 such deductions, charges, or allowances as may be permitted by rules
7 of the director.

8 **Sec. 2.** RCW 49.46.070 and 2010 c 8 s 12042 are each amended to
9 read as follows:

10 (1) Every employer subject to any provision of this chapter or of
11 any regulation issued under this chapter shall make, and keep in or
12 about the premises wherein any employee is employed, a record of the
13 name, address, and occupation of each of his or her employees, the
14 rate of pay, and the amount paid each pay period to each such
15 employee, the hours worked each day and each workweek by such
16 employee, and such other information as the director shall prescribe
17 by regulation as necessary or appropriate for the enforcement of the
18 provisions of this chapter or of the regulations thereunder. Such
19 records shall be open for inspection or transcription by the director
20 or his or her authorized representative at any reasonable time. Every
21 such employer shall furnish to the director or to his or her
22 authorized representative on demand a sworn statement of such records
23 and information upon forms prescribed or approved by the director.

24 (2) Notwithstanding any other provision of this chapter, the
25 provisions of this section apply to individuals covered by RCW
26 49.46.010(3)(q) with the exception of records related to the hours
27 worked each day and each workweek by such employee or employees, the
28 time of day and day of week each workweek begins, and any other
29 similar information that the director shall prescribe by regulation
30 as necessary or appropriate related to records of hours worked for
31 such individuals.

32 **Sec. 3.** RCW 49.12.187 and 2003 c 401 s 3 and 2003 c 146 s 1 are
33 each reenacted and amended to read as follows:

34 (1) This chapter shall not be construed to interfere with,
35 impede, or in any way diminish the right of employees to bargain
36 collectively with their employers through representatives of their
37 own choosing concerning wages or standards or conditions of
38 employment. However, rules adopted under this chapter regarding

1 appropriate rest and meal periods as applied to employees in the
2 construction trades may be superseded by a collective bargaining
3 agreement negotiated under the national labor relations act, 29
4 U.S.C. Sec. 151 et seq., if the terms of the collective bargaining
5 agreement covering such employees specifically require rest and meal
6 periods and prescribe requirements concerning those rest and meal
7 periods.

8 (2) Employees of public employers may enter into collective
9 bargaining contracts, labor/management agreements, or other mutually
10 agreed to employment agreements that specifically vary from or
11 supersede, in part or in total, rules adopted under this chapter
12 regarding appropriate rest and meal periods.

13 (3) Rules adopted under this chapter regarding appropriate rest
14 and meal periods as applied to employees who have entered into a
15 contract to play baseball at the minor league level may be superseded
16 by a collective bargaining agreement negotiated under the national
17 labor relations act, 29 U.S.C. Sec. 151 et seq., if the terms of the
18 collective bargaining agreement covering such employees expressly
19 provides for wages and working conditions.

20 **Sec. 4.** RCW 49.12.050 and 2010 c 8 s 12004 are each amended to
21 read as follows:

22 (1) Every employer shall keep a record of the names of all
23 employees employed by him or her, and shall on request permit the
24 director to inspect such record.

25 (2) Rules adopted under this chapter regarding records of hours
26 worked do not apply to employees who have entered into a contract to
27 play baseball at the minor league level and who are compensated
28 pursuant to the terms of a collective bargaining agreement that
29 expressly provides for wages and working conditions.

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