

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5702**

60th Legislature  
2007 Regular Session

Passed by the Senate April 16, 2007  
YEAS 46 NAYS 1

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**President of the Senate**

Passed by the House April 4, 2007  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5702** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5702**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Benton, Keiser, Swecker, Kohl-  
Welles and Roach)

READ FIRST TIME 02/28/07.

1            AN ACT Relating to notice to certain employees of a claim of  
2 exemption from paying unemployment insurance taxes; amending RCW  
3 50.44.040; and adding a new section to chapter 50.44 RCW.

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

5            **Sec. 1.** RCW 50.44.040 and 1977 ex.s. c 292 s 17 are each amended  
6 to read as follows:

7            The term "employment" as used in RCW 50.44.010, 50.44.020, and  
8 50.44.030 shall not include service performed:

9            (1) In the employ of (a) a church or convention or association of  
10 churches, or (b) an organization which is operated primarily for  
11 religious purposes and which is operated, supervised, controlled, or  
12 principally supported by a church or convention or association of  
13 churches; however, the employer shall notify its employees as required  
14 by section 2 of this act; or

15            (2) By a duly ordained, commissioned, or licensed minister of a  
16 church in the exercise of his ministry or by a member of a religious  
17 order in the exercise of duties required by such order; or

18            (3) (~~Before January 1, 1978, in the employ of a nongovernmental~~

1 ~~educational institution, approved or accredited by the state board of~~  
2 ~~education, which is not an "institution of higher education"; or~~

3 ~~(4))~~ In a facility conducted for the purpose of carrying out a  
4 program of (a) rehabilitation for individuals whose earning capacity is  
5 impaired by age or physical or mental deficiency or injury, or (b)  
6 providing remunerative work for individuals who because of their  
7 impaired physical or mental capacity cannot be readily absorbed in the  
8 competitive labor market, by an individual receiving such  
9 rehabilitation or remunerative work; or

10 ~~((5))~~ (4) As part of an unemployment work-relief or work-training  
11 program assisted or financed in whole or in part by a federal agency or  
12 an agency of a state or political subdivision thereof, by an individual  
13 receiving such work-relief or work-training; or

14 ~~((6))~~ (5) For a custodial or penal institution by an inmate of  
15 the custodial or penal institution; or

16 ~~((7))~~ (6) In the employ of a hospital, if such service is  
17 performed by a patient of such hospital; or

18 ~~((8))~~ (7) In the employ of a school, college, or university, if  
19 such service is performed (a) by a student who is enrolled and is  
20 regularly attending classes at such school, college, or university, or  
21 (b) by the spouse of such a student, if such spouse is advised, at the  
22 time such spouse commences to perform such service, that (i) the  
23 employment of such spouse to perform such service is provided under a  
24 program to provide financial assistance to such student by such school,  
25 college, or university, and (ii) such employment will not be covered by  
26 any program of unemployment insurance; or

27 ~~((9))~~ (8) By an individual under the age of twenty-two who is  
28 enrolled at a nonprofit or public educational institution which  
29 normally maintains a regular faculty and curriculum and normally has a  
30 regularly organized body of students in attendance at the place where  
31 its educational activities are carried on as a student in a full time  
32 program, taken for credit at such institution, which combines academic  
33 instruction with work experience, if such service is an integral part  
34 of such program, and such institution has so certified to the employee,  
35 except that this subsection shall not apply to service performed in a  
36 program established for or on behalf of an employer or group of  
37 employers; or

1       ~~((10) Before January 1, 1978, in the employ of the state or one of~~  
2 ~~its instrumentalities or a political subdivision or one of its~~  
3 ~~instrumentalities by an individual who is (a) occupying an elective~~  
4 ~~office, or (b) who is compensated solely on a fee or per diem basis; or~~

5       ~~(11) Before January 1, 1978, in the employ of the legislature of~~  
6 ~~the state of Washington by an individual who is compensated pursuant to~~  
7 ~~an agreement which provides for a guaranteed rate of compensation for~~  
8 ~~irregular hours worked; or~~

9       ~~(12))~~ (9) In the employ of a nongovernmental preschool which is  
10 devoted exclusively to the area of child development training of  
11 preschool age children through an established curriculum of formal  
12 classroom or laboratory instruction which did not employ four or more  
13 individuals on each of some twenty days during the calendar year or the  
14 preceding calendar year, each day being in a different calendar week;  
15 or

16       ~~((13) After December 31, 1977,))~~ (10) In the employ of the state  
17 or any of its instrumentalities or political subdivisions of this state  
18 in any of its instrumentalities by an individual in the exercise of  
19 duties:

20       (a) As an elected official;

21       (b) As a member of the national guard or air national guard; or

22       (c) In a policymaking position the performance of the duties of  
23 which ordinarily do not require more than eight hours per week.

24       NEW SECTION. **Sec. 2.** A new section is added to chapter 50.44 RCW  
25 to read as follows:

26       A church or convention or association of churches, or an  
27 organization which is operated primarily for religious purposes and  
28 which is operated, supervised, controlled, or principally supported by  
29 a church or convention or association of churches shall inform each  
30 individual performing services exempt from "employment" under RCW  
31 50.44.040(1) that the individual may not be eligible to receive  
32 unemployment benefits based on such services. The employer shall  
33 provide a written notice of this exclusion to the individual at the  
34 time of hire. The employer shall display a poster giving notice of  
35 this exclusion in a conspicuous place. The employer's compliance with  
36 these notice requirements shall not affect an individual's eligibility

1 for benefits. The employment security department shall make posters  
2 available to employers without charge.

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