

1 **2SHB 1079 - H AMD 080 ADOPTED 3-3-97**

2 By Representative Cooke

3 On page 16, line 30, after (4)- insert the following:

4 (a) Participants placed in community service or work programs
5 established pursuant to this chapter may not be assigned to a
6 community service or work program position if;

7 (i) Any other individual is on layoff from the same or any
8 substantially equivalent job;

9 (ii) The employer has terminated the employment of any regular
10 employee or otherwise reduced its workforce in order to fill the
11 vacancy so created with a participant of a community service or
12 work program established pursuant to this chapter; or

13 (iii) Such assignment displaces or partially displaces current
14 employees.

15 (b)Participants of a community service or work program
16 established pursuant to this chapter shall be considered employees
17 solely for the purposes of chapter 49.17 RCW, the purposes of
18 subsection (c) of this section, and for the purposes of subsection
19 (d) of this section.

20 (c) All private and public entities participating in a
21 community service program or a work program established pursuant to
22 this chapter shall enter into an agreement with the department
23 which contains the following requirements:

24 (i) That paid work program positions established under this
25 chapter meet the requirements of chapter 49.46 RCW;

26 (ii) That the community service and unpaid work program
27 positions shall not require work in excess of forty hours per week;

28 (iii) That the conditions of work for participants of a work
29 program or community service program will comply with the
30 requirements of chapter 49.17 RCW;

31 (iv) That an entity's participation in a community service
32 program or work program established under this chapter shall not
33 diminish or result in the infringement of the obligations of any
34 applicable collective bargaining statute, agreement, or contract
35 for services;

1 (v) That wages shall be paid at the usual and customary rate
2 of comparable jobs and may include a training wage if permitted by
3 applicable federal statutes and regulations;

4 (vi) That the participants in a work program or community
5 service program shall not be denied their rights under collective
6 bargaining statutes; and

7 (vii) That the department may rescind an agreement with an
8 entity if it finds that the entity is not complying with the
9 requirements of this section.

10 Among the factors the department may use to determine whether
11 to enter into an agreement with a private or public entity, the
12 department shall evaluate whether the entity is in compliance with
13 the requirements of this section and is likely to remain in
14 compliance with the requirements of this section. If the
15 department finds that a private or public entity that has entered
16 into an agreement with the department to provide work or community
17 service opportunities is not complying with the requirements of
18 this section, the department shall take action to ensure
19 compliance, or, with good cause, rescind the agreement.

20 (d) Participants in a community service or work program
21 established pursuant to this chapter are deemed workers for the
22 purposes of workers' compensation coverage under Title 51 RCW. The
23 department shall reimburse entities who have entered into
24 agreements with the department to provide work opportunities under
25 this chapter for the premiums or assessments that they have paid
26 under Title 51 RCW on behalf of program participants. Department
27 reimbursement to entities that pay a wage to the participants of a
28 work program established by this chapter shall be limited to the
29 first six months of a participant's employment by the entity.

30 (e) For the purposes of this section, work program- does not
31 include job search, vocational training, education, or job
32 readiness programs.

33 (5)-

EFFECT: Requires that work program and community service participants do not displace current employees, that they are protected by wage and hour and work safety laws, that they receive workers' compensation insurance, that they do not

receive unemployment compensation, that they receive the usual and customary wage rate of comparable jobs, that they have the opportunity to join collective bargaining units, and that employers participating in the programs do not infringe upon current collective bargaining agreements.