SENATE BILL REPORT SB 5265

As of January 17, 2001

Title: An act relating to unfair practices by private employers with respect to eligibility for employment-based benefits.

Brief Description: Prohibiting private employers from terminating employees to avoid providing employment-based benefits.

Sponsors: Senators Prentice, Costa, Kline, Patterson, Constantine, Kohl-Welles and Gardner.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/18/01.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Staff: Jack Brummel (786-7428)

Background: Concerns exist that part-time, temporary, leased, and other contingent workers are less likely than other workers to receive employment-based benefits. Employers may terminate employees, misclassify employees, limit contract terms, or take other action to avoid providing employment-based benefits.

Summary of Bill: It is an unfair practice for an employer to terminate or misclassify an employee to avoid providing employment-based benefits.

It is also an unfair practice for an employer to:

- · limit the term of an employment contract to avoid providing benefits;
- · include language in an employment contract requiring an employee to forego benefits; or
- terminate or discriminate against an employee because the employee has filed an action alleging such an unfair practice.

Employment-based benefits— mean any benefits to which an employee is entitled under state laws or employer policies.

An employee terminated or otherwise harmed by such an unfair practice has a civil action against the employer. A prevailing employee is awarded either six months' wages or treble

the actual damages, whichever is greater. The prevailing employee is also awarded attorneys' fees and costs.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.