

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5263**

Chapter 133, Laws of 2001

57th Legislature  
2001 Regular Session

NATIONAL GUARD--EMPLOYMENT RIGHTS

EFFECTIVE DATE: 5/2/01

Passed by the Senate April 16, 2001  
YEAS 44 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 5, 2001  
YEAS 94 NAYS 0

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved May 2, 2001

GARY F. LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5263** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 2, 2001 - 10:24 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5263**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Snyder, Rasmussen and Gardner)

READ FIRST TIME 02/21/01.

1            AN ACT Relating to employment rights of members of the reserve and  
2 national guard forces called to duty; amending RCW 73.16.015,  
3 73.16.031, 73.16.033, 73.16.035, 73.16.051, 73.16.061, and 73.16.070;  
4 adding new sections to chapter 73.16 RCW; and declaring an emergency.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 73.16 RCW  
7 to read as follows:

8            (1) It is the intent of the legislature to guarantee employment  
9 rights of members of the reserve and national guard forces who are  
10 called to active duty. The federal uniformed services employment and  
11 reemployment rights act of 1994 protects all such federal personnel.  
12 The legislature intends that similar provisions should apply to all  
13 such state personnel. Therefore, the legislature intends for this act  
14 to ensure protections for state-activated personnel similar to those  
15 provided by federal law for federal-activated personnel.

16            (2) The purposes of this chapter are to:

17            (a) Encourage noncareer service in the uniformed services by  
18 eliminating or minimizing the disadvantages to civilian careers and  
19 employment that can result from such service;

1 (b) Minimize the disruption to the lives of persons performing  
2 service in the uniformed services as well as to their employers, their  
3 fellow employees, and their communities, by providing for the prompt  
4 reemployment of such persons upon their completion of such service; and

5 (c) Prohibit discrimination against persons because of their  
6 service in the uniformed services.

7 (3) Therefore, the legislature intends that the governmental  
8 agencies of the state of Washington, and all the political subdivisions  
9 thereof, should be model employers in carrying out the provisions of  
10 this chapter.

11 **Sec. 2.** RCW 73.16.015 and 1951 c 29 s 2 are each amended to read  
12 as follows:

13 Any veteran entitled to the benefits of RCW 73.16.010 may enforce  
14 his or her rights hereunder by civil action in ~~((the))~~ superior  
15 court((s)).

16 **Sec. 3.** RCW 73.16.031 and 1953 c 212 s 1 are each amended to read  
17 as follows:

18 ~~((As used in RCW 73.16.031 through 73.16.061, the term:~~  
19 ~~"Resident" means any person residing in the state.))~~ The  
20 definitions in this section apply throughout this chapter unless the  
21 context clearly requires otherwise.

22 (1) "Attorney general" means the attorney general of the state of  
23 Washington or any person designated by the attorney general to carry  
24 out a responsibility of the attorney general under this chapter.

25 (2) "Benefit," "benefit of employment," or "rights and benefits"  
26 means any advantage, profit, privilege, gain, status, account, or  
27 interest (other than wages or salary for work performed) that accrues  
28 by reason of an employment contract or agreement or an employer policy,  
29 plan, or practice and includes rights and benefits under a pension  
30 plan, a health plan, an employee stock ownership plan, insurance  
31 coverage and awards, bonuses, severance pay, supplemental unemployment  
32 benefits, vacations, and the opportunity to select work hours or  
33 location of employment.

34 (3) "Employee" means a person in a position of employment.

35 (4) "Employer" means the person, firm, or corporation, the state,  
36 or any elected or appointed public official currently having control  
37 over the position that has been vacated.

1       (5) "Health plan" means an insurance policy or contract, medical or  
2 hospital service agreement, membership or subscription contract, or  
3 other arrangement under which health services for individuals are  
4 provided or the expenses of such services are paid.

5       (6) "Notice" means any written or verbal notification of an  
6 obligation or intention to perform service in the uniformed services  
7 provided to an employer by the employee who will perform such service  
8 or by the uniformed service in which such service is to be performed.

9       (7) "Position of employment" means any position (other than  
10 temporary) wherein a person is engaged for a private employer, company,  
11 corporation, or the state(, municipality, or political subdivision  
12 thereof)).

13       (8) "Qualified," with respect to an employment position, means  
14 having the ability to perform the essential tasks of the position.

15       (9) "Rejectee" means a person rejected because he or she is not,  
16 physically or otherwise, qualified to enter the uniformed service.

17       (10) "Resident" means any person residing in the state with the  
18 intent to remain other than on a temporary or transient basis.

19       (11) "Seniority" means longevity in employment together with any  
20 benefits of employment which accrue with, or are determined by,  
21 longevity in employment.

22       (12) "Service in the uniformed services" means the performance of  
23 duty on a voluntary or involuntary basis in a uniformed service under  
24 competent authority and includes active duty, active duty for training,  
25 initial active duty for training, inactive duty training, full-time  
26 national guard duty (including state-ordered active duty), and a period  
27 for which a person is absent from a position of employment for the  
28 purpose of an examination to determine the fitness of the person to  
29 perform any such duty.

30       (13) "State" means the state of Washington, including the agencies  
31 and political subdivisions thereof.

32       (14) "Temporary position" means a position of short duration which,  
33 after being vacated, ceases to exist and wherein the employee has been  
34 advised as to its temporary nature prior to his or her engagement.

35       ~~(( "Employer" means the person, firm, corporation, state and any~~  
36 ~~political subdivision thereof, or public official currently having~~  
37 ~~control over the position which has been vacated.~~

38       ~~"Rejectee" means a person rejected because he is not, physically or~~  
39 ~~otherwise, qualified to enter the service.))~~

1       (15) "Undue hardship," in the case of actions taken by an employer,  
2 means actions requiring significant difficulty or expense when  
3 considered in light of:

4       (a) The nature and cost of the action needed under this chapter;

5       (b) The overall financial resources of the facility or facilities  
6 involved in the provision of the action; the number of persons employed  
7 at such facility; the effect on expenses and resources; or the impact  
8 otherwise of such action upon the operation of the facility; and

9       (c) The type of operation or operations of the employer, including  
10 the composition, structure, and functions of the work force of such  
11 employer, the geographic separateness, administrative, or fiscal  
12 relationship of the facility or facilities in question to the employer.

13       (16) "Uniformed services" means the armed forces, the army national  
14 guard, and the air national guard of any state, territory,  
15 commonwealth, possession, or district when engaged in active duty for  
16 training, inactive duty training, full-time national guard duty, or  
17 state active duty, the commissioned corps of the public health service,  
18 the coast guard, and any other category of persons designated by the  
19 president of the United States in time of war or national emergency.

20       NEW SECTION. Sec. 4. A new section is added to chapter 73.16 RCW  
21 to read as follows:

22       (1) A person who is a member of, applies to be a member of,  
23 performs, has performed, applies to perform, or has an obligation to  
24 perform service in a uniformed service shall not be denied initial  
25 employment, retention in employment, promotion, or any benefit of  
26 employment by an employer on the basis of that membership, application  
27 for membership, performance of service, application for service, or  
28 obligation.

29       (2) An employer may not discriminate in employment against or take  
30 any adverse employment action against any person because such person  
31 (a) has taken an action to enforce a protection afforded any person  
32 under this chapter, (b) has testified or otherwise made a statement in  
33 or in connection with any proceeding under this chapter, (c) has  
34 assisted or otherwise participated in an investigation under this  
35 chapter, or (d) has exercised a right provided for in this chapter.  
36 The prohibition in this subsection (2) applies with respect to a person  
37 regardless of whether that person has performed service in the  
38 uniformed services.

1 (3) An employer shall be considered to have engaged in actions  
2 prohibited:

3 (a) Under subsection (1) of this section, if the person's  
4 membership, application for membership, service, application for  
5 service, or obligation for service in the uniformed services is a  
6 motivating factor in the employer's action, unless the employer can  
7 prove that the action would have been taken in the absence of such  
8 membership, application for membership, service, application for  
9 service, or obligation for service; or

10 (b) Under subsection (2) of this section if the person's (i) action  
11 to enforce a protection afforded any person under this chapter, (ii)  
12 testimony or making of a statement in or in connection with any  
13 proceeding under this chapter, (iii) assistance or other participation  
14 in an investigation under this chapter, or (iv) exercise of a right  
15 provided for in this chapter, is a motivating factor in the employer's  
16 action, unless the employer can prove that the action would have been  
17 taken in the absence of such person's enforcement action, testimony,  
18 statement, assistance, participation, or exercise of a right.

19 **Sec. 5.** RCW 73.16.033 and 1953 c 212 s 2 are each amended to read  
20 as follows:

21 Any person who is a resident of this state or is employed within  
22 this state, and who voluntarily or upon ~~((demand))~~ order from competent  
23 authority, vacates a position of employment ~~((to determine his physical~~  
24 ~~fitness to enter, or, who actually does enter upon active duty or~~  
25 ~~training in the Washington National Guard, the armed forces of the~~  
26 ~~United States, or the United States public health service))~~ for service  
27 in the uniformed services, shall, provided he or she meets the  
28 requirements of RCW 73.16.035, be reemployed forthwith: PROVIDED, That  
29 the employer need not reemploy such person if circumstances have so  
30 changed ~~((as to make it impossible, unreasonable, or against the public~~  
31 ~~interest for him to do so))~~ such that reemployment would be impossible  
32 or unreasonable due to a change in the employer's circumstances, or  
33 would impose an undue hardship on the employer: PROVIDED FURTHER, That  
34 this section shall not apply to a temporary position.

35 If such person is still qualified to perform the duties of his or  
36 her former position, he or she shall be restored to that position or to  
37 a position of like seniority, status and pay. If he or she is not so  
38 qualified as a result of disability sustained during his or her

1 service(~~(, or during the determination of his fitness for service))~~ in  
2 the uniformed services, but is nevertheless qualified to perform the  
3 duties of another position, under the control of the same employer, he  
4 or she shall be reemployed in such other position: PROVIDED, That such  
5 position shall provide him or her with like seniority, status, and pay,  
6 or the nearest approximation thereto consistent with the circumstances  
7 of the case.

8 **Sec. 6.** RCW 73.16.035 and 1969 c 16 s 1 are each amended to read  
9 as follows:

10 (1) In order to be eligible for the benefits of ((RCW 73.16.031  
11 through 73.16.061)) this chapter, an applicant must comply with the  
12 following requirements:

13 ~~((1) He))~~ (a) The applicant must notify his or her employer as to  
14 his or her membership in the uniformed services within a reasonable  
15 time of accepting employment or becoming a member of the uniformed  
16 services. An employer may not take any action prohibited in section 4  
17 of this act against a person because the person provided notice of  
18 membership in the uniformed services to the employer.

19 (b) The applicant must furnish a receipt of an honorable, or under  
20 honorable conditions discharge, report of separation, certificate of  
21 satisfactory service, or other proof of having satisfactorily completed  
22 his or her service. Rejectees must furnish proof of orders for  
23 examination and rejection.

24 ~~((2) He))~~ (c) The applicant must make written application to the  
25 employer or his or her representative ((within ninety days of the date  
26 of his separation or release from training and service. Rejectees must  
27 apply within thirty days from date of rejection)) as follows:

28 (i) In the case of an applicant whose period of service in the  
29 uniformed services was less than thirty-one days, by reporting to the  
30 employer:

31 (A) Not later than the beginning of the first full regularly  
32 scheduled work period on the first full calendar day following the  
33 completion of the period of service and the expiration of eight hours  
34 after a period allowing for the safe transportation of the applicant  
35 from the place of that service to the applicant's residence; or

36 (B) As soon as possible after the expiration of the eight-hour  
37 period in (c)(i)(A) of this subsection, if reporting within that period  
38 is impossible or unreasonable through no fault of the applicant;

1       (ii) In the case of an applicant who is absent from a position of  
2 employment for a period of any length for the purposes of an  
3 examination to determine the applicant's fitness to perform service in  
4 the uniformed services, by reporting in the manner and time referred to  
5 in (c)(i) of this subsection;

6       (iii) In the case of an applicant whose period of service in the  
7 uniformed services was for more than thirty days but less than one  
8 hundred eighty-one days, by submitting an application for reemployment  
9 with the employer not later than fourteen days after the completion of  
10 the period of service or if submitting such application within such  
11 period is impossible or unreasonable through no fault of the applicant,  
12 the next first full calendar day when submission of such application  
13 becomes possible;

14       (iv) In the case of an applicant whose period of service in the  
15 uniformed services was for more than one hundred eighty days, by  
16 submitting an application for reemployment with the employer not later  
17 than ninety days after the completion of the period of service;

18       (v) In the case of an applicant who is hospitalized for, or  
19 convalescing from, an illness or injury incurred or aggravated during  
20 the performance of service in the uniformed services, at the end of the  
21 period that is necessary for the applicant to recover from such illness  
22 or injury, the applicant shall submit an application for reemployment  
23 with such employer. The period of recovery may not exceed two years.  
24 This two-year period shall be extended by the minimum time required to  
25 accommodate the circumstances beyond the applicant's control that make  
26 reporting within the two-year period impossible or unreasonable;

27       (vi) In the case of an applicant who fails to report or apply for  
28 employment or reemployment within the appropriate period specified in  
29 this subsection (1)(c), the applicant does not automatically forfeit  
30 his or her entitlement to the rights and benefits conferred by this  
31 chapter, but is subject to the conduct rules, established policy, and  
32 general practices of the employer pertaining to explanations and  
33 discipline with respect to absence from scheduled work.

34       (d) An applicant who submits an application for reemployment shall  
35 provide to the applicant's employer, upon the request of that employer,  
36 documentation to establish that:

37       (i) The application is timely;

1 (ii) The applicant has not exceeded the service limitations set  
2 forth in this section, except as permitted under (c)(v) of this  
3 subsection; and

4 (iii) The applicant's entitlement to the benefits under this  
5 chapter has not been terminated pursuant to (e) of this subsection.

6 ~~((3) If, due to the necessity of hospitalization, while on active~~  
7 ~~duty, he is released or placed on inactive duty and remains~~  
8 ~~hospitalized, he is eligible for the benefits of RCW 73.16.031 through~~  
9 ~~73.16.061: PROVIDED, That such hospitalization does not continue for~~  
10 ~~more than one year from date of such release or inactive status:~~  
11 ~~PROVIDED FURTHER, That he applies for his former position within ninety~~  
12 ~~days after discharge from such hospitalization.~~

13 ~~(4) He)) (e) The applicant must return and reenter the office or~~  
14 ~~position within ((three months)) the appropriate period specified in~~  
15 ~~(c) of this subsection after serving four years or less in the~~  
16 ~~uniformed services other than state-ordered active duty: PROVIDED,~~  
17 ~~That any period of additional service imposed by law, from which one is~~  
18 ~~unable to obtain orders relieving him or her from active duty, will not~~  
19 ~~affect ((his)) reemployment rights.~~

20 (f) The applicant must return and reenter the office or position  
21 within the appropriate period specified in (c) of this subsection after  
22 serving twelve weeks or less in a calendar year in state-ordered active  
23 duty: PROVIDED, That the governor, when declaring an emergency that  
24 necessitates a longer period of service, may extend the period of  
25 service in state-ordered active duty to up to twelve months after which  
26 the applicant is eligible for the benefits of this chapter.

27 (2) The failure of an applicant to provide documentation that  
28 satisfies rules adopted pursuant to subsection (1)(c) of this section  
29 shall not be a basis for denying reemployment in accordance with the  
30 provisions of this chapter if the failure occurs because such  
31 documentation does not exist or is not readily available at the time of  
32 the request of the employer. If, after such reemployment,  
33 documentation becomes available that establishes that the applicant  
34 does not meet one or more of the requirements referred to in subsection  
35 (1)(d) of this section, that applicant's employer may terminate the  
36 employment of the person and the provision of any rights or benefits  
37 afforded the person under this chapter.

1       (3) An employer may not delay or attempt to defeat a reemployment  
2 obligation by demanding documentation that does not then exist or is  
3 not then readily available.

4       (4) The application in subsection (1) of this section is not  
5 required if the giving of such application is precluded by military  
6 necessity or, under all of the relevant circumstances, the giving of  
7 such notice is otherwise impossible or unreasonable. A determination  
8 of military necessity for the purposes of this subsection shall be made  
9 by the adjutant general of the state of Washington military department  
10 and is not subject to judicial review.

11       (5) In any proceeding involving an issue of whether (a)  
12 reemployment is impossible or unreasonable because of a change in an  
13 employer's circumstances, (b) reemployment would impose an undue  
14 hardship on the employer, or (c) the employment is for a temporary  
15 position, the employer has the burden of proving the impossibility or  
16 unreasonableness, undue hardship, or the brief or nonrecurrent nature  
17 of the employment without a reasonable expectation of continuing  
18 indefinitely or for a significant period.

19       **Sec. 7.** RCW 73.16.051 and 1953 c 212 s 5 are each amended to read  
20 as follows:

21       Any person who is entitled to be restored to a position in  
22 accordance with ~~((the provisions of RCW 73.16.031, 73.16.033,~~  
23 ~~73.16.035, and 73.16.041))~~ this chapter shall be considered as having  
24 been on furlough or leave of absence, from his or her position of  
25 employment, during his or her period of active military duty or  
26 service, and he or she shall be so restored without loss of seniority.  
27 He or she shall further be entitled to participate in insurance,  
28 vacations, retirement pay, and other benefits offered by the employer  
29 pursuant to established rules and practices relating to employees on  
30 furlough or leave of absence in effect with the employer at the time  
31 such person was ordered into the service; and he or she shall not be  
32 discharged from such position without cause within one year after  
33 restoration(~~(: PROVIDED, That no employer shall be required to make~~  
34 ~~any payment to keep insurance or retirement rights current during such~~  
35 ~~period of military service))~~).

36       NEW SECTION. **Sec. 8.** A new section is added to chapter 73.16 RCW  
37 to read as follows:

1 (1) If a person, or the person's dependents, have coverage under a  
2 health plan in connection with the person's position of state  
3 employment, and the person is absent from his or her position of state  
4 employment by reason of service in the uniformed services, the plan  
5 shall provide that the person may elect to continue the coverage as  
6 provided in this section. The maximum period of coverage of a person  
7 and person's dependents under such an election shall be the lesser of:

8 (a) The eighteen-month period beginning on the date on which the  
9 person's absence begins; or

10 (b) The day after the date on which the person fails to apply for  
11 or return to a position of state employment, as determined under RCW  
12 73.16.035.

13 (2) A person who elects to continue health plan coverage under this  
14 section may be required to pay not more than one hundred two percent of  
15 the full premium under the plan associated with the coverage for the  
16 state employer's other employees, except that in the case of a person  
17 who performs service in the uniformed services for less than thirty-one  
18 days, the person may not be required to pay more than the employee  
19 share, if any, for the coverage.

20 (3) Except as provided in subsection (2) of this section, if a  
21 person's coverage under a health plan was terminated because of service  
22 in the uniformed services, an exclusion or waiting period may not be  
23 imposed in connection with the reinstatement of the coverage upon  
24 reemployment under this chapter if an exclusion or waiting period would  
25 not have been imposed under a health plan had coverage of the person by  
26 the plan not been terminated as a result of his or her service. This  
27 subsection applies to the person who is reemployed and to any dependent  
28 who is covered by the plan because of the reinstatement of the coverage  
29 of the person.

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 73.16 RCW  
31 to read as follows:

32 (1)(a) In the case of a right provided under any state law  
33 governing pension benefits for state employees, the right to pension  
34 benefits of a person reemployed under this chapter shall be determined  
35 under this section.

36 (b) A person reemployed under this chapter shall be treated as not  
37 having incurred a break in service with the state because of the  
38 person's period of service in the uniformed services.

1 (c) Each period served by a person in the uniformed services shall,  
2 upon reemployment under this chapter, be deemed to constitute service  
3 with the state for the purpose of determining the nonforfeitability of  
4 the person's accrued benefits and for the purpose of determining the  
5 accrual of benefits under the plan.

6 (2) When the state is reemploying a person under this chapter, the  
7 state is liable to an employee pension benefit plan for funding any  
8 obligation of the plan to provide the pension benefits described in  
9 this section and shall allocate the amounts of any employer  
10 contribution for the person in the same manner and to the same extent  
11 the allocation occurs for other employees during the period of service.  
12 For purposes of determining the amount of such liability and any  
13 obligation of the plan, earnings and forfeitures shall not be included.  
14 For purposes of determining the amount of such liability and purposes  
15 of a state law governing pension benefits for state employees, service  
16 in the uniformed services that is deemed under subsection (1) of this  
17 section to be service with the state shall be deemed to be service with  
18 the state under the terms of the plan or any applicable collective  
19 bargaining agreement.

20 (3) A person reemployed by the state under this chapter is entitled  
21 to accrued benefits pursuant to subsection (1)(a) of this section that  
22 are contingent on the making of, or derived from, employee  
23 contributions or elective deferrals (as defined in section 402(g)(3) of  
24 the internal revenue code of 1986) only to the extent the person makes  
25 payment to the plan with respect to such contributions or deferrals.  
26 No such payment may exceed the amount the person would have been  
27 permitted or required to contribute had the person remained  
28 continuously employed by the state throughout the period of uniformed  
29 service. Any payment to the plan described in this subsection shall be  
30 made during the period beginning with the date of reemployment and  
31 whose duration is three times the period of the person's services, such  
32 payment period in the uniformed services, not to exceed five years.

33 (4) For purposes of computing an employer's liability of the  
34 employee's contributions under subsection (2) of this section, the  
35 employee's compensation during the period of service shall be computed:

36 (a) At the rate the employee would have received but for the period  
37 of service in subsection (1)(b) of this section; or

38 (b) In the case that the determination of such rate is not  
39 reasonably certain, on the basis of the employee's average rate of

1 compensation during the twelve-month period immediately preceding such  
2 period or if shorter, the period of employment immediately preceding  
3 such period.

4 **Sec. 10.** RCW 73.16.061 and 1953 c 212 s 6 are each amended to read  
5 as follows:

6 (1) In case any employer, his or her successor or successors fails  
7 or refuses to comply with the provisions of RCW 73.16.031 through  
8 73.16.061 and sections 4, 8, 9, and 13 of this act, the (~~prosecuting~~  
9 ~~attorney of the county in which the employer is located~~) attorney  
10 general shall bring action in the superior court in the county in which  
11 the employer is located or does business to obtain an order to  
12 specifically require such employer to comply with the provisions  
13 (~~hereof~~) of this chapter, and, as an incident thereto, to compensate  
14 such person for any loss of wages or benefits suffered by reason of  
15 such employer's unlawful act if:

16 (a) The service in question was state duty not covered by the  
17 uniformed services employment and reemployment rights act of 1994, P.L.  
18 103-353 (38 U.S.C. Sec. 4301 et seq.); and

19 (b) The employer support for guard and reserve ombudsman, or his or  
20 her designee, has inquired in the matter and has been unable to resolve  
21 it.

22 (2) If the conditions in subsection (1)(a) and (b) of this section  
23 are met, any such person who does not desire the services of the  
24 (~~prosecuting~~) attorney general may, by private counsel, bring such  
25 action.

26 **Sec. 11.** RCW 73.16.070 and 1941 c 201 s 5 are each amended to read  
27 as follows:

28 The federal soldiers' and sailors' civil relief act of 1940, Public  
29 Act No. 861(~~(, 76th congress)~~), is hereby specifically declared to  
30 apply in proper cases in all the courts of this state.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 73.16 RCW  
32 to read as follows:

33 An offset of any military pay for temporary service in the  
34 uniformed services in a particular week against the salary of a bona  
35 fide executive, administrative, or professional employee in a

1 particular week shall not be a factor in determining whether the  
2 employee is exempt under RCW 49.46.010(5)(c).

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 73.16 RCW  
4 to read as follows:

5 This chapter shall not supersede, nullify, or diminish any federal  
6 or state law, ordinance, rule, regulation, contract, agreement, policy,  
7 plan, practice, or other matter that establishes a right or benefit  
8 that is more beneficial to, or is in addition to, a right or benefit  
9 provided for such person in this chapter.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 73.16 RCW  
11 to read as follows:

12 The legislature declares that the public policies articulated in  
13 chapter ..., Laws of 2001 (this act) depend on the procedures  
14 established in chapter ..., Laws of 2001 (this act). No civil or  
15 criminal action may be maintained relying on the public policies  
16 articulated in chapter ..., Laws of 2001 (this act) without complying  
17 with the procedures in this chapter. To that end, all civil actions  
18 and civil causes of action for such injuries and all jurisdiction of  
19 the courts of this state over such causes are hereby abolished, except  
20 as provided in this chapter.

21 NEW SECTION. **Sec. 15.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 immediately.

Passed the Senate April 16, 2001.

Passed the House April 5, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.