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SENATE BILL 5667

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State of Washington

65th Legislature

2017 Regular Session

By Senators Kuderer and Hasegawa

Read first time 02/02/17. Referred to Committee on Commerce, Labor & Sports.

1 AN ACT Relating to the off-duty conduct of an employee or a  
2 prospective employee; and adding a new section to chapter 49.44 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44  
5 RCW to read as follows:

6 (1) Except as provided in subsections (2) and (3) of this  
7 section, it is an unfair practice for any employer to fail or refuse  
8 to hire an individual; to discharge or bar any person from  
9 employment; or to discriminate against any person in compensation or  
10 in other terms or conditions of employment, because the prospective  
11 employee or the employee participates in or has participated in any  
12 activity lawful under state law if the activity occurs off the  
13 premises of the employer during nonworking hours.

14 (2) It is not a violation of subsection (1) of this section for  
15 an employer to restrict an employee's participation in activities  
16 lawful under state law during nonworking hours if the employer's  
17 restriction:

18 (a)(i) Relates to a bona fide occupational requirement, or (ii)  
19 is reasonably and rationally related to the employment activities and  
20 responsibilities of a particular employee or a particular group of  
21 employees, rather than to all employees of the employer; or

1           (b) Is necessary to avoid a conflict of interest with any  
2 responsibilities to the employer or the appearance of such a conflict  
3 of interest.

4           (3) Subsection (1) of this section does not apply to any employer  
5 that is a nonprofit organization with a primary purpose or objective  
6 that conflicts with the employee's participation in an activity  
7 lawful under state law.

8           (4) This section does not require an employer to violate the  
9 terms of any federal contract.

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