

HOUSE BILL REPORT

HB 1285

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to reemployment following service in the uniformed services.

Brief Description: Providing for reemployment in temporary positions following service in the uniformed services.

Sponsors: Representatives Campbell, Veloria, Chase and Bush.

Brief History:

Committee Activity:

Commerce & Labor: 2/3/03, 3/5/03 [DPA].

Brief Summary of Amended Bill

- Extends reemployment rights under state law to persons who left temporary positions for specified types of military service.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 9 members: Representatives Conway, Chair; Wood, Vice Chair; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney and McCoy.

Staff: Jill Reinmuth (786-7134).

Background:

Both federal and state law provide reemployment rights to persons following specified types of military service. If the person's prior employment was for a brief, non-recurrent period and there was no reasonable expectation that the employment relationship would continue indefinitely, federal law does not require reemployment.

If the person left a temporary position, state law does not require reemployment. A temporary position is one that is of short duration which, after it is vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his or her engagement. In a proceeding to determine whether employment was in a temporary

position, the employer has the burden of proving the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

Summary of Amended Bill:

State law does not require reemployment following specified types of military service if the person's prior employment was for a brief, non-recurrent period and there was no reasonable expectation that the employment relationship would continue indefinitely.

Amended Bill Compared to Original Bill:

State law is made consistent with federal law. The definition of temporary positions is stricken. Other references to temporary positions are replaced with references to employment that is "for a brief, nonrecurrent period" and for which "there is no reasonable expectation that such employment will continue indefinitely or for a significant period." Technical changes are made.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Persons who leave jobs that are recurring, but that have been categorized as temporary, may not have reemployment rights. If they cannot be assured of getting their jobs back, they are not likely to continue being in the reserves. Right now we need these people. Persons with ongoing employment relationships should have reemployment rights. This bill is not intended to extend reemployment rights to persons with seasonal jobs.

Testimony Against: People who return from military service already have reemployment rights. Persons who leave jobs that are recurring are already protected. In some industries, however, all of the jobs are temporary. The assignments and projects may last between two weeks and two months, or between six months and two years. We should support reservists in every possible way, but we cannot guarantee that they can come back to jobs that may not exist. The bill takes apart a careful balance struck in 2001. We cannot support the bill as written.

Testified: (In support) Representative Campbell, prime sponsor.

(Opposed) Bob Gee and Kathy Williams, Washington Staffing Association and Washington Computer Services Organization; and Amber Balch, Association of Washington Business.