**5294 AMS HUNT S1940.1 - NOT FOR FLOOR USE**

**SB 5294** - S AMD **33**

By Senator Hunt

**ADOPTED 03/01/2019**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The Washington state legislature is purposefully designed to be a part-time legislature to provide people from all areas of life the opportunity to participate. All businesses and industries, in the private and public sector, benefit when the legislature is made up of the broadest possible representation.

(2) It is a significant public policy to encourage citizens to serve in the legislature. However, serving as a legislator is often demanding and time consuming, and most legislators have other employment to support themselves and their families.

(3) Other states have enacted legislation addressing the duties and responsibilities of legislators and prospective legislators in relation to their regular employment. It is the intent of this act to address potential uncertainties that can occur between employers and employees who are part-time legislators because of the time requirements of the legislature.

NEW SECTION. **Sec.**  For the purposes of this chapter, "employer" means: (1) Any person or business entity that employs or exercises control over wages, hours, or working conditions of ten or more employees; (2) the state, state institutions, and state agencies; and (3) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

NEW SECTION. **Sec.**  (1) An employer must grant a temporary leave of absence without loss of job status or seniority to an employee who is a member of the state legislature in order for that employee to perform any official duty as a member of the legislature during regular and special legislative sessions.

(2) The leave of absence under this chapter may be unpaid leave. However, an employee may elect to substitute any accrued paid leave to which the employee is entitled for any part of the leave provided under this chapter.

(3) An employer may not discharge or threaten to discharge an employee for taking a leave of absence under this chapter.

NEW SECTION. **Sec.**  (1) An employee who seeks leave under this chapter must provide the employer with notice of the employee's intention to take leave at least thirty days before a regular legislative session.

(2) When a special legislative session is called, the employee must provide notice to the employer as soon as the governor or legislature proclaims the special legislative session.

NEW SECTION. **Sec.**  (1) If an employer violates the provisions of this chapter, the employee may bring a civil action, at his or her own expense, in superior court for damages and for an order requiring the reinstatement of the employee. If the employee prevails, the employee is entitled to costs and reasonable attorneys' fees. Public resources may not be used, directly or indirectly, to bring or maintain a civil action under this section.

(2) The remedy provided in this section is in addition to any common law remedy or other remedy that may be available to the employee.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act apply retroactively to January 1, 2019.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 49 RCW."

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On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and adding a new chapter to Title 49 RCW."

EFFECT: Makes the bill retroactive to January 1, 2019.