
Civil Rights & Judiciary Committee

HB 2730

Brief Description: Addressing military spouse employment.

Sponsors: Representatives Kilduff, Ryu, Klippert, Appleton, Caldier, Davis, Leavitt and Ormsby.

Brief Summary of Bill

- Initiates a demonstration campaign to increase military spouse employment.
- Provides a mechanism in the Washington Service Members' Civil Relief Act to allow a military spouse to terminate an employment contract without penalty.

Hearing Date: 1/28/20

Staff: Ingrid Lewis (786-7289).

Background:

Demonstration Campaign to Increase Employment.

The Department of Veterans Affairs, the Employment Security Department, and the Department of Commerce, in consultation with local chambers of commerce, associate development organizations, and businesses, have developed demonstration campaigns to increase veteran employment in Washington.

Washington Service Members' Civil Relief Act.

The Washington Service Members' Civil Relief Act (WSCRA) provides certain rights for service members who are under a call to active service, authorized by either the President of the United States or the Governor, for a period of more than 30 consecutive days. For purposes of the WSCRA, "service member" means an active member of the United States Armed Forces, a member of a military reserve component, or a member of the National Guard who is either stationed in, or a resident of, Washington state. The WSCRA also extends these rights to certain dependents of the service member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A service member or dependent may bring a civil action for a violation of the WSCRA to obtain equitable or declaratory relief, monetary damages, and other appropriate relief. In addition, the court may award the costs of the action and reasonable attorneys' fees to a service member or dependent who prevails in the action. The Washington Attorney General (AG) is also authorized to bring a civil action to enforce the WSCRA against a person that engages in a pattern or practice of violations or engages in a violation that raises an issue of significant public purpose. The court may grant equitable or declaratory relief, monetary damages, and other appropriate relief, including costs and reasonable attorneys' fees. In addition, the court may assess a civil penalty of up to \$55,000 for a first violation and up to \$110,000 for subsequent violations. Prior to commencing a civil action, the AG may issue civil investigative demands for the discovery of material information relevant to an investigation of a violation of the WSCRA.

Employment Contracts.

In general, Washington is an at-will employment state, which means either the employee or employer may terminate an employment relationship at any time without fear of liability. One exception to the at-will employment doctrine is if an employment contract exists.

Summary of Bill:

Demonstration Campaign to Increase Employment.

The Department of Veterans Affairs, Employment Security Department, and Department of Commerce must consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment in Washington. Businesses may share information about military spouse employment with local chambers of commerce, who may provide this information to the Department of Veterans Affairs. Participants in the campaign are encouraged to work with the Washington State Military Transition Council and county veterans advisory boards. Funds used for the campaign must be from existing resources.

A "military spouse" is defined as any person currently or previously married to a military service member during the military service member's time of active duty in any branch of the armed forces of the United States as an active duty service member, reservist, or national guard member.

Employment Contracts.

A spouse of a service member in receipt of military service orders for a permanent change of station may terminate an employment contract without penalty if the employer is provided written notice of the termination and written proof of official orders for a permanent change in station. An employer may not impose a penalty for termination of an employment contract.

"Employment contract" means a contract that establishes the terms of employment or other professional relationship with the spouse of a service member. "Penalty" means any fee or cost or liability for breach of contract or any other adverse consequence imposed by the employer.

Termination of an employment contract is effective on the day written notice is given or on a date mutually agreed upon by the parties to the employment contract.

The bill applies only to employment contracts entered into on or after the effective date of the act.

Appropriation: None.

Fiscal Note: Requested on January 22, 2020.

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