

FINAL BILL REPORT

SB 5558

PARTIAL VETO

C 303 L 91

SYNOPSIS AS ENACTED

Brief Description: Providing for the adoption and enforcement of child labor regulations.

SPONSORS: Senators Sellar, Owen, Matson and Wojahn.

SENATE COMMITTEE ON COMMERCE & LABOR

HOUSE COMMITTEE ON COMMERCE & LABOR

BACKGROUND:

The state industrial welfare law authorizes the Department of Labor and Industries to adopt special rules for the protection of the safety, health, and welfare of minor employees. An employer who violates the industrial welfare law or corresponding rules is guilty of a misdemeanor and is subject to a fine of not less than \$25 or more than \$1,000. No civil penalties are authorized.

SUMMARY:

By October 1, 1991, the Department of Labor and Industries is to replace existing child labor rules with rules consistent with federal child labor laws. The rules are to be revised as necessary to remain consistent with federal law. Upon adopting these rules, the department is to implement a comprehensive program to inform employers of the rules adopted.

The Department of Labor and Industries is to issue written citations for violations of the child labor standards of the state's industrial welfare law. For first time, nonserious violations, a reasonable abatement period may be established in lieu of imposing a penalty. If the violation is not corrected, the employer is subject to a civil penalty of not more than \$1,000.

For serious or repeated violations of the child labor standards, the employer is subject to a civil penalty of not more than \$1,000 for each day the violation continues.

The director is also authorized to issue an order restraining any workplace practice in violation of the child labor standards if the practice creates a substantial probability that death or serious physical harm could result to a minor employee.

Employers who violate certain posting requirements of the child labor standards are subject to a civil penalty of not more than \$100 per violation.

Persons who give unauthorized advance notice of an inspection to be conducted under the industrial welfare law are subject to a civil penalty of not more than \$1,000.

Any person aggrieved by an action of the department in enforcing the child labor standards may appeal to the director. After a hearing, the director must issue a final order, which may then be appealed to superior court.

An employer who knowingly or recklessly violates the child labor standards is guilty of a gross misdemeanor (maximum penalty: \$5,000, one year in jail). An employer whose violation of the child labor standards results in the death or permanent disability of a minor employee is guilty of a class C felony (maximum penalty: \$10,000, five years in jail).

VOTES ON FINAL PASSAGE:

Senate	47	0
House	98	0

EFFECTIVE: May 20, 1991 (Sections 2 & 8)
July 28, 1991
April 1, 1992 (Sections 3-7)

Partial Veto Summary: The veto of section 1 removes the requirement that the Department of Labor and Industries replace existing child labor rules with rules consistent with federal child labor laws, and that the rules be revised as necessary to remain consistent with federal law. (See VETO MESSAGE)