

2 SSB 6016 - H AMD TO LG COMM AMD (H-4480.1/94)
3 By Representative Heavey

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5 On page 2, after line 25 of the amendment, insert the following:

6 "Sec. 4. RCW 49.46.010 and 1993 c 281 s 56 are each amended to
7 read as follows:

8 As used in this chapter:

9 (1) "Director" means the director of labor and industries;

10 (2) "Wage" means compensation due to an employee by reason of
11 employment, payable in legal tender of the United States or checks on
12 banks convertible into cash on demand at full face value, subject to
13 such deductions, charges, or allowances as may be permitted by rules of
14 the director;

15 (3) "Employ" includes to permit to work;

16 (4) "Employer" includes any individual, partnership, association,
17 corporation, business trust, or any person or group of persons acting
18 directly or indirectly in the interest of an employer in relation to an
19 employee;

20 (5) "Employee" includes any individual employed by an employer but
21 shall not include:

22 (a) Any individual (i) employed as a hand harvest laborer and paid
23 on a piece rate basis in an operation which has been, and is generally
24 and customarily recognized as having been, paid on a piece rate basis
25 in the region of employment; (ii) who commutes daily from his or her
26 permanent residence to the farm on which he or she is employed; and
27 (iii) who has been employed in agriculture less than thirteen weeks
28 during the preceding calendar year;

29 (b) Any individual employed in casual labor in or about a private
30 home, unless performed in the course of the employer's trade, business,
31 or profession;

32 (c) Any individual employed in a bona fide executive,
33 administrative, or professional capacity or in the capacity of outside
34 salesman as those terms are defined and delimited by rules of the
35 director. However, those terms shall be defined and delimited by the
36 Washington personnel resources board pursuant to chapter 41.06 RCW;

1 (d) Any individual engaged in the activities of an educational,
2 charitable, religious, state or local governmental body or agency, or
3 nonprofit organization where the employer-employee relationship does
4 not in fact exist or where the services are rendered to such
5 organizations gratuitously. If the individual receives reimbursement
6 in lieu of compensation for normally incurred out-of-pocket expenses or
7 receives a nominal amount of compensation per unit of voluntary service
8 rendered, an employer-employee relationship is deemed not to exist for
9 the purpose of this section or for purposes of membership or
10 qualification in any state, local government or publicly supported
11 retirement system other than that provided under chapter 41.24 RCW;

12 (e) Any individual employed full time by any state or local
13 governmental body or agency who provides voluntary services but only
14 with regard to the provision of the voluntary services. The voluntary
15 services and any compensation therefor shall not affect or add to
16 qualification, entitlement or benefit rights under any state, local
17 government, or publicly supported retirement system other than that
18 provided under chapter 41.24 RCW;

19 (f) Any newspaper vendor or carrier;

20 (g) Any carrier subject to regulation by Part 1 of the Interstate
21 Commerce Act;

22 (h) Any individual engaged in forest protection and fire prevention
23 activities;

24 (i) Any individual employed by any charitable institution charged
25 with child care responsibilities engaged primarily in the development
26 of character or citizenship or promoting health or physical fitness or
27 providing or sponsoring recreational opportunities or facilities for
28 young people or members of the armed forces of the United States;

29 (j) Any individual whose duties require that he or she reside or
30 sleep at the place of his or her employment or who otherwise spends a
31 substantial portion of his or her work time subject to call, and not
32 engaged in the performance of active duties;

33 (k) Any resident, inmate, or patient of a state, county, or
34 municipal correctional, detention, treatment or rehabilitative
35 institution;

36 (l) Any individual who holds a public elective or appointive
37 office, or is an employee of the legislative branch of the state, any
38 county, city, town, municipal corporation or quasi municipal

1 corporation, political subdivision, or any instrumentality thereof((
2 or any employee of the state legislature));

3 (m) All vessel operating crews of the Washington state ferries
4 operated by the department of transportation;

5 (n) Any individual employed as a seaman on a vessel other than an
6 American vessel.

7 (6) "Occupation" means any occupation, service, trade, business,
8 industry, or branch or group of industries or employment or class of
9 employment in which employees are gainfully employed."

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