

CERTIFICATION OF ENROLLMENT

SENATE BILL 6536

Chapter 334, Laws of 1998

55th Legislature
1998 Regular Session

EMPLOYER OBLIGATIONS TO FURNISH WEARING APPAREL

EFFECTIVE DATE: 6/11/98

Passed by the Senate February 10, 1998
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 1998
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 3, 1998

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6536** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 3, 1998 - 3:11 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6536

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senators Horn, Heavey, Schow, Snyder, Goings, McDonald, Benton, Winsley, Oke and Haugen

Read first time 01/21/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to employee wearing apparel; amending RCW
2 49.12.005; adding a new section to chapter 49.12 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 49.12.005 and 1994 c 164 s 13 are each amended to read
6 as follows:

7 For the purposes of this chapter:

8 (1) The term "department" means the department of labor and
9 industries.

10 (2) The term "director" means the director of the department of
11 labor and industries, or the director's designated representative.

12 (3) The term "employer" means any person, firm, corporation,
13 partnership, business trust, legal representative, or other business
14 entity which engages in any business, industry, profession, or activity
15 in this state and employs one or more employees and for the purposes of
16 RCW 49.12.270 through 49.12.295 and section 2 of this act also includes
17 the state, any state institution, any state agency, political
18 subdivisions of the state, and any municipal corporation or quasi-
19 municipal corporation.

1 (4) The term "employee" means an employee who is employed in the
2 business of the employee's employer whether by way of manual labor or
3 otherwise.

4 (5) The term "conditions of labor" shall mean and include the
5 conditions of rest and meal periods for employees including provisions
6 for personal privacy, practices, methods and means by or through which
7 labor or services are performed by employees and includes bona fide
8 physical qualifications in employment, but shall not include conditions
9 of labor otherwise governed by statutes and rules and regulations
10 relating to industrial safety and health administered by the
11 department.

12 (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a
13 minor is defined to be a person of either sex under the age of eighteen
14 years.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW
16 to read as follows:

17 (1) Notwithstanding the provisions of chapter 49.46 RCW or other
18 provisions of this chapter, the obligation of an employer to furnish or
19 compensate an employee for apparel required during work hours shall be
20 determined only under this section.

21 (2) Employers are not required to furnish or compensate employees
22 for apparel that an employer requires an employee to wear during
23 working hours unless the required apparel is a uniform.

24 (3) As used in this section, "uniform" means:

25 (a) Apparel of a distinctive style and quality that, when worn
26 outside of the workplace, clearly identifies the person as an employee
27 of a specific employer;

28 (b) Apparel that is specially marked with an employer's logo;

29 (c) Unique apparel representing an historical time period or an
30 ethnic tradition; or

31 (d) Formal apparel.

32 (4) Except as provided in subsection (5) of this section, if an
33 employer requires an employee to wear apparel of a common color that
34 conforms to a general dress code or style, the employer is not required
35 to furnish or compensate an employee for that apparel. For the
36 purposes of this subsection, "common color" is limited to the following
37 colors or light or dark variations of such colors: White, tan, or
38 blue, for tops; and tan, black, blue, or gray, for bottoms. An

1 employer is permitted to require an employee to obtain two sets of
2 wearing apparel to accommodate for the seasonal changes in weather
3 which necessitate a change in wearing apparel.

4 (5) If an employer changes the color or colors of apparel required
5 to be worn by any of his or her employees during a two-year period of
6 time, the employer shall furnish or compensate the employees for the
7 apparel. The employer shall be required to furnish or compensate only
8 those employees who are affected by the change. The two-year time
9 period begins on the date the change in wearing apparel goes into
10 effect and ends two years from this date. The beginning and end of the
11 two-year time period applies to all employees regardless of when the
12 employee is hired.

13 (6) The department shall utilize negotiated rule making as defined
14 by RCW 34.05.310(2)(a) in the development and adoption of rules
15 defining apparel that conforms to a general dress code or style. This
16 subsection expires January 1, 2000.

17 (7) For the purposes of this section, personal protective equipment
18 required for employee protection under chapter 49.17 RCW is not deemed
19 to be employee wearing apparel.

20 NEW SECTION. **Sec. 3.** Nothing in this act shall be construed to
21 alter the terms, conditions, or practices contained in any collective
22 bargaining agreement in effect at the time of the effective date of
23 this act until the expiration date of such agreement.

Passed the Senate February 10, 1998.

Passed the House March 4, 1998.

Approved by the Governor April 3, 1998.

Filed in Office of Secretary of State April 3, 1998.