

SSB 5702 - H COMM AMD

By Committee on Commerce & Labor

ADOPTED 04/04/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 50.44.040 and 1977 ex.s. c 292 s 17 are each amended
4 to read as follows:

5 The term "employment" as used in RCW 50.44.010, 50.44.020, and
6 50.44.030 shall not include service performed:

7 (1) In the employ of (a) a church or convention or association of
8 churches, or (b) an organization which is operated primarily for
9 religious purposes and which is operated, supervised, controlled, or
10 principally supported by a church or convention or association of
11 churches; however, the employer shall notify its employees as required
12 by section 2 of this act; or

13 (2) By a duly ordained, commissioned, or licensed minister of a
14 church in the exercise of his ministry or by a member of a religious
15 order in the exercise of duties required by such order; or

16 (3) ~~((Before January 1, 1978, in the employ of a nongovernmental~~
17 ~~educational institution, approved or accredited by the state board of~~
18 ~~education, which is not an "institution of higher education"; or~~

19 ~~(4))~~) In a facility conducted for the purpose of carrying out a
20 program of (a) rehabilitation for individuals whose earning capacity is
21 impaired by age or physical or mental deficiency or injury, or (b)
22 providing remunerative work for individuals who because of their
23 impaired physical or mental capacity cannot be readily absorbed in the
24 competitive labor market, by an individual receiving such
25 rehabilitation or remunerative work; or

26 ~~((5))~~) (4) As part of an unemployment work-relief or work-training
27 program assisted or financed in whole or in part by a federal agency or
28 an agency of a state or political subdivision thereof, by an individual
29 receiving such work-relief or work-training; or

1 ~~((+6))~~ (5) For a custodial or penal institution by an inmate of
2 the custodial or penal institution; or
3 ~~((+7))~~ (6) In the employ of a hospital, if such service is
4 performed by a patient of such hospital; or
5 ~~((+8))~~ (7) In the employ of a school, college, or university, if
6 such service is performed (a) by a student who is enrolled and is
7 regularly attending classes at such school, college, or university, or
8 (b) by the spouse of such a student, if such spouse is advised, at the
9 time such spouse commences to perform such service, that (i) the
10 employment of such spouse to perform such service is provided under a
11 program to provide financial assistance to such student by such school,
12 college, or university, and (ii) such employment will not be covered by
13 any program of unemployment insurance; or
14 ~~((+9))~~ (8) By an individual under the age of twenty-two who is
15 enrolled at a nonprofit or public educational institution which
16 normally maintains a regular faculty and curriculum and normally has a
17 regularly organized body of students in attendance at the place where
18 its educational activities are carried on as a student in a full time
19 program, taken for credit at such institution, which combines academic
20 instruction with work experience, if such service is an integral part
21 of such program, and such institution has so certified to the employee,
22 except that this subsection shall not apply to service performed in a
23 program established for or on behalf of an employer or group of
24 employers; or
25 ~~((+10))~~ ~~Before January 1, 1978, in the employ of the state or one of~~
26 ~~its instrumentalities or a political subdivision or one of its~~
27 ~~instrumentalities by an individual who is (a) occupying an elective~~
28 ~~office, or (b) who is compensated solely on a fee or per diem basis; or~~
29 ~~(+11))~~ ~~Before January 1, 1978, in the employ of the legislature of~~
30 ~~the state of Washington by an individual who is compensated pursuant to~~
31 ~~an agreement which provides for a guaranteed rate of compensation for~~
32 ~~irregular hours worked; or~~
33 ~~(+12))~~ (9) In the employ of a nongovernmental preschool which is
34 devoted exclusively to the area of child development training of
35 preschool age children through an established curriculum of formal
36 classroom or laboratory instruction which did not employ four or more
37 individuals on each of some twenty days during the calendar year or the

1 preceding calendar year, each day being in a different calendar week;
2 or

3 ~~((13) After December 31, 1977,)) (10)~~ In the employ of the state
4 or any of its instrumentalities or political subdivisions of this state
5 in any of its instrumentalities by an individual in the exercise of
6 duties:

7 (a) As an elected official;

8 (b) As a member of the national guard or air national guard; or

9 (c) In a policymaking position the performance of the duties of
10 which ordinarily do not require more than eight hours per week.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.44 RCW
12 to read as follows:

13 A church or convention or association of churches, or an
14 organization which is operated primarily for religious purposes and
15 which is operated, supervised, controlled, or principally supported by
16 a church or convention or association of churches shall inform each
17 individual performing services exempt from "employment" under RCW
18 50.44.040(1) that the individual may not be eligible to receive
19 unemployment benefits based on such services. The employer shall
20 provide a written notice of this exclusion to the individual at the
21 time of hire. The employer shall display a poster giving notice of
22 this exclusion in a conspicuous place. The employer's compliance with
23 these notice requirements shall not affect an individual's eligibility
24 for benefits. The employment security department shall make posters
25 available to employers without charge."

26 Correct the title.

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