
SENATE BILL 6647

State of Washington

61st Legislature

2010 Regular Session

By Senators Honeyford, Swecker, and Morton

Read first time 01/20/10. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to protecting jobs of members of the civil air
2 patrol while acting in an emergency service operation; and adding a new
3 chapter to Title 49 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The definitions in this subsection apply
6 throughout this section.

7 (a) "Civil air patrol" refers to the Washington wing of the civil
8 air patrol.

9 (b) "Emergency service operation" includes the following operations
10 of the civil air patrol:

11 (i) Search and rescue missions designated by the air force rescue
12 coordination center;

13 (ii) Disaster relief, when requested by the federal emergency
14 management agency or the department of homeland security;

15 (iii) Humanitarian services, when requested by the federal
16 emergency management agency or the department of homeland security;

17 (iv) United States air force support designated by the first air
18 force; and

19 (v) Counterdrug missions.

1 (c) "Essential employee" means an employee:
2 (i) Who the employer has determined to be essential to the
3 operation of the employer's daily enterprise; and
4 (ii) Without whom the employer is likely to suffer economic injury
5 as a result of the absence of the employee.
6 (2) This section provides employment protection for employees of
7 private and public employers and whose participation in the civil air
8 patrol may cause short-term absence from their duties as an employee.
9 (3) This section applies to an employee of any private or public
10 employer who:
11 (a) Is a member of the civil air patrol; and
12 (b) Has notified the employee's employer in writing that the
13 employee is a member of the civil air patrol.
14 (4) An employer may not discipline an employee:
15 (a) For being absent from employment by reason of engaging in an
16 emergency service operation that began before the time that the
17 employee was to report to employment; or
18 (b) For leaving the employee's duty station to engage in an
19 emergency service operation if the emergency service operation began
20 after the employee had reported for work and the employee secured
21 authorization from the employee's supervisor to leave the employee's
22 duty station before leaving to engage in the emergency service
23 operation.
24 (5) An employee who is absent from employment must provide the
25 employer with notice of the reason for the absence, within three
26 business days of the employee's first absence.
27 (6) The employer may require an employee who has been absent from
28 employment as a result of participating in an emergency service
29 operation to present a written statement from the commander or other
30 officer in charge of the civil air patrol at the time of the absence
31 indicating that the employee was engaged in an emergency service
32 operation at the time of the absence.
33 (7) An employee who is absent under this section is entitled:
34 (a) To be restored to a position of employment in the same manner
35 as an employee entitled to leave under chapter 49.78 RCW is restored to
36 a position of employment, as specified in RCW 49.78.280; and
37 (b) To continue benefits in the same manner as an employee entitled

1 to leave under chapter 49.78 RCW continues benefits, as specified in
2 RCW 49.78.290.

3 (8) An employer from which an employee seeks to take leave or takes
4 leave under this chapter shall not engage in prohibited acts as
5 specified in RCW 49.78.300.

6 (9) An employer is exempt from the provisions of this section if:

7 (a) The employee is an essential employee; and

8 (b) After receiving notice of the employee's status under
9 subsection (3)(b) of this section, the employer delivers a written
10 response to the employee explaining the employee's status as an
11 essential employee and the employer's exemption from this section.

12 (10) This section shall be enforced as provided in chapter 49.78
13 RCW.

14 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
15 chapter in Title 49 RCW.

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