CERTIFICATION OF ENROLLMENT

**SENATE BILL 6202**

64th Legislature

2016 Regular Session

|  |  |
| --- | --- |
| Passed by the Senate February 11, 2016  Yeas 49 Nays 0  **President of the Senate**  Passed by the House March 1, 2016  Yeas 97 Nays 0  **Speaker of the House of Representatives** | CERTIFICATE  I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6202** as passed by Senate and the House of Representatives on the dates hereon set forth.  **Chief Clerk** |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6202**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Passed Legislature - 2016 Regular Session

**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Hobbs, Angel, Roach, Bailey, Conway, Rivers, Rolfes, McCoy, McAuliffe, and Benton; by request of Military Department

AN ACT Relating to the enforcement of employment rights arising from state active duty service by a member of the national guard; and amending RCW 73.16.061.

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

**Sec.**  RCW 73.16.061 and 2013 c 23 s 190 are each amended to read as follows:

(1) ((~~In case~~)) If any employer, ((~~his or her~~)) or any employer's successor or successors, fails or refuses to comply with the provisions of RCW 73.16.031 through 73.16.061 and 73.16.090, the attorney general ((~~shall~~)) must bring action in the superior court in the county in which the employer is located or does business to obtain an order to specifically require such employer to comply with the provisions of this chapter, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act if:

(a) The service in question was state duty not covered by the uniformed services employment and reemployment rights act of 1994, P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

(b) The ((~~employer support for guard and reserve ombuds~~)) adjutant general of the Washington state military department, or his or her designee, has inquired ((~~in~~)) with the employer regarding the matter and has been unable to resolve it.

(2) If the conditions in subsection (1)(a) and (b) of this section are met, any such person who does not desire the services of the attorney general may, by private counsel, bring such action.

**--- END ---**