

SB 5294 - S AMD 33  
By Senator Hunt

ADOPTED 03/01/2019

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

3 "NEW SECTION. **Sec. 1.** (1) The Washington state legislature is  
4 purposefully designed to be a part-time legislature to provide people  
5 from all areas of life the opportunity to participate. All businesses  
6 and industries, in the private and public sector, benefit when the  
7 legislature is made up of the broadest possible representation.

8 (2) It is a significant public policy to encourage citizens to  
9 serve in the legislature. However, serving as a legislator is often  
10 demanding and time consuming, and most legislators have other  
11 employment to support themselves and their families.

12 (3) Other states have enacted legislation addressing the duties  
13 and responsibilities of legislators and prospective legislators in  
14 relation to their regular employment. It is the intent of this act to  
15 address potential uncertainties that can occur between employers and  
16 employees who are part-time legislators because of the time  
17 requirements of the legislature.

18 NEW SECTION. **Sec. 2.** For the purposes of this chapter,  
19 "employer" means: (1) Any person or business entity that employs or  
20 exercises control over wages, hours, or working conditions of ten or  
21 more employees; (2) the state, state institutions, and state  
22 agencies; and (3) any unit of local government including, but not  
23 limited to, a county, city, town, municipal corporation, quasi-  
24 municipal corporation, or political subdivision.

25 NEW SECTION. **Sec. 3.** (1) An employer must grant a temporary  
26 leave of absence without loss of job status or seniority to an  
27 employee who is a member of the state legislature in order for that  
28 employee to perform any official duty as a member of the legislature  
29 during regular and special legislative sessions.

1 (2) The leave of absence under this chapter may be unpaid leave.  
2 However, an employee may elect to substitute any accrued paid leave  
3 to which the employee is entitled for any part of the leave provided  
4 under this chapter.

5 (3) An employer may not discharge or threaten to discharge an  
6 employee for taking a leave of absence under this chapter.

7 NEW SECTION. **Sec. 4.** (1) An employee who seeks leave under this  
8 chapter must provide the employer with notice of the employee's  
9 intention to take leave at least thirty days before a regular  
10 legislative session.

11 (2) When a special legislative session is called, the employee  
12 must provide notice to the employer as soon as the governor or  
13 legislature proclaims the special legislative session.

14 NEW SECTION. **Sec. 5.** (1) If an employer violates the provisions  
15 of this chapter, the employee may bring a civil action, at his or her  
16 own expense, in superior court for damages and for an order requiring  
17 the reinstatement of the employee. If the employee prevails, the  
18 employee is entitled to costs and reasonable attorneys' fees. Public  
19 resources may not be used, directly or indirectly, to bring or  
20 maintain a civil action under this section.

21 (2) The remedy provided in this section is in addition to any  
22 common law remedy or other remedy that may be available to the  
23 employee.

24 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act apply  
25 retroactively to January 1, 2019.

26 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act  
27 constitute a new chapter in Title 49 RCW."

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28 On page 1, line 2 of the title, after "service;" strike the  
29 remainder of the title and insert "and adding a new chapter to Title  
30 49 RCW."

EFFECT: Makes the bill retroactive to January 1, 2019.

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