
ENGROSSED SENATE BILL 5294

State of Washington

66th Legislature

2019 Regular Session

By Senators Hunt, Hasegawa, Pedersen, Kuderer, Zeiger, Takko, Keiser, and Saldaña

Read first time 01/17/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to encouraging citizens to serve in the
2 legislature by creating leave provisions for legislative service; and
3 adding a new chapter to Title 49 RCW.

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

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

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

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

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

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

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

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

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

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

26 NEW SECTION. **Sec. 5.** If an employer violates the provisions of
27 this chapter, the employee may only bring a civil action, at his or
28 her own expense, in superior court for an order requiring the
29 reinstatement of the employee. Public resources may not be used,
30 directly or indirectly, to bring or maintain a civil action under
31 this section.

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

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

--- **END** ---