

---

**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.**        (1) If an employer violates the provisions  
27 of this chapter, the employee may bring a civil action, at his or her  
28 own expense, in superior court for damages and for an order requiring  
29 the reinstatement of the employee. If the employee prevails, the  
30 employee is entitled to costs and reasonable attorneys' fees. Public  
31 resources may not be used, directly or indirectly, to bring or  
32 maintain a civil action under this section.

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

1        NEW SECTION.        **Sec. 6.**        Sections 1 through 5 of this act  
2        constitute a new chapter in Title 49 RCW.

--- **END** ---