
SENATE BILL 5294

State of Washington

66th Legislature

2019 Regular Session

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

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.

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