
HOUSE BILL 2352

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By Representatives Hudgins, Romero, O'Brien, Conway, Simpson, G.,
Moeller and Morrell

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Committee on Commerce & Labor.

1 AN ACT Relating to workers required to train successors; adding a
2 new section to chapter 49.12 RCW; adding a new section to chapter 50.04
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12 RCW
6 to read as follows:

7 (1) An employer may not order a layoff of workers who were required
8 to train other persons to perform their job duties unless, ten days
9 before the workers began training the other persons, the employer gave
10 written notice of the order to: (a) The workers affected by the order;
11 and (b) the department.

12 (2) The written notice must specify: (a) The number of affected
13 positions; (b) the number of affected positions being relocated or
14 outsourced to a different location one hundred miles or more away; (c)
15 the job titles and wages of the affected positions; (d) the locations
16 to which the affected positions are being relocated or outsourced; and
17 (e) any additional information specified in rule by the department.

18 (3)(a) An employer who fails to give notice as required by

1 subsection (1) of this section is liable to each employee entitled to
2 notice who lost his or her employment for:

3 (i) The value of wages at the average regular rate of compensation
4 received by the employee during the last three years of his or her
5 employment, or the employee's final rate of compensation, whichever is
6 higher; and

7 (ii) The value of any benefits to which the employee would have
8 been entitled had his or her employment not been lost, including, but
9 not limited to: (A) The value of any sick leave or other paid time off
10 as defined in RCW 49.12.265; (B) the value of any pension, profit
11 sharing, stock bonus, stock purchase, and stock option plans; and (C)
12 the cost of any medical expenses incurred by the employee that would
13 have been covered under an employee benefit plan.

14 (b) Liability under this subsection (3) is calculated for the
15 period of the employer's violation, up to a maximum of ninety days, or
16 one-half the number of days that the employee was employed by the
17 employer, whichever period is smaller.

18 (4) An employer who fails to give notice as required by subsection
19 (1) of this section is also subject to a civil penalty of not more than
20 five hundred dollars per employee entitled to notice for each day of
21 the employer's violation. Civil penalties collected under this section
22 shall be paid into the unemployment trust fund.

23 (5) The department shall administer and investigate violations of
24 this section. In an investigation or proceeding under this section,
25 the director has, in addition to all other powers granted by law, the
26 authority to examine the books and records of an employer. The
27 department shall adopt rules necessary to carry out this section.

28 (6) A person, including an employee representative, seeking to
29 establish liability against an employer may bring a civil action on
30 behalf of the person, other persons similarly situated, or both, in any
31 court of competent jurisdiction. The court may award reasonable
32 attorneys' fees as part of costs to a plaintiff who prevails in a civil
33 action brought under this section.

34 (7) For the purposes of this section:

35 (a) "Employer" means an employer that has one hundred or more
36 workers.

37 (b) "Layoff" means a separation from employment of a person engaged

1 in the employment of an employer or a termination of a person who is
2 working under an independent contract, the essence of which is his or
3 her personal labor.

4 (c) "Worker" has the meaning provided in RCW 51.08.180.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.04 RCW
6 to read as follows:

7 Payments to a person under section 1 of this act may not be
8 construed as wages or used to deny or reduce benefits under this title.

9 NEW SECTION. **Sec. 3.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

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