

CHAPTER 18.

[S. B. 30.]

WASHINGTON MINIMUM WAGE AND HOUR ACT.

AN ACT Relating to wages and employment; adding two new sections to chapter 294, Laws of 1959 and to chapter 49.46 RCW; and amending sections 1, 2, 12 and 14, chapter 294, Laws of 1959 and RCW 49.46.010, 49.46.020, 49.46.120 and 49.46.910; and repealing sections 3 and 5, chapter 294, Laws of 1959 and RCW 49.46.030 and 49.46.050.

Be it enacted by the Legislature of the State of Washington:

New section.

SECTION 1. There is added to chapter 294, Laws of 1959 and to chapter 49.46 RCW a new section to read as follows:

Legislative declaration.

Whereas the establishment of a minimum wage for employees is a subject of vital and imminent concern to the people of this state and requires appropriate action by the legislature to establish minimum standards of employment within the state of Washington, therefore the legislature declares that in its considered judgment the health, safety and the general welfare of the citizens of this state require the enactment of this measure, and exercising its police power, the legislature endeavors by this act to establish a minimum wage for employees of this state to encourage employment opportunities within the state. The provisions of this act are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety and welfare of the people of this state.

RCW 49.46.010 amended.

SEC. 2. Section 1, chapter 294, Laws of 1959 and RCW 49.46.010 are each amended to read as follows:

Minimum wage act. Definitions.

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on

banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050.

(3) "Employ" includes to suffer or to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) any individual employed in domestic service in or about a private home;

(c) any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director);

(d) any individual employed by the United States;

(e) any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

(f) any newspaper vendor or carrier;

(g) any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) any individual engaged in forest protection and fire prevention activities;

(i) any individual employed by the state, any county, city or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof;

(j) any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(k) any individual engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW;

(l) any individual engaged in performing services in a nursing home licensed pursuant to chapter 18.51 RCW;

(m) any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

SEC. 3. Section 2, chapter 294, Laws of 1959 and RCW 49.46.020 are each amended to read as follows:

RCW 49.46.020 amended.

Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and fifteen cents per hour except as may be otherwise provided under this chapter: *Provided*, That beginning the calendar year 1962, the applicable rate under this section shall be one dollar and twenty-five cents per hour.

Minimum hourly wage.

SEC. 4. Section 12, chapter 294, Laws of 1959 and RCW 49.46.120 are each amended to read as follows:

RCW 49.46.120 amended.

This chapter establishes a minimum standard for wages and working conditions of all employees in this state, unless exempted herefrom, and is in addition to and supplementary to any other federal, state, or local law or ordinance, or any rule or regulation issued thereunder. Any standards relating to wages, hours, or other working conditions established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to employees than the minimum standards applicable under this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law.

Chapter establishes minimum standards and is supplementary.

SEC. 5. There is added to chapter 294, Laws of 1959 and to chapter 49.46 RCW a new section to read as follows:

New section.

The provisions of RCW 49.46.020, as amended by section 2 of this act, shall not apply to any student enrolled in an institution of higher education who is employed by such institution.

Student exclusion.

RCW 49.46.910 amended.

SEC. 6. Section 14, chapter 294, Laws of 1959 and RCW 49.46.910 are each amended to read as follows:

Short title.

This chapter may be known and cited as the "Washington Minimum Wage Act."

Repeal.

SEC. 7. Sections 3 and 5, chapter 294, Laws of 1959, and RCW 49.46.030 and 49.46.050 are each repealed.

Passed the Senate March 28, 1961.

Passed the House March 27, 1961.

Approved by the Governor March 31, 1961.

CHAPTER 19.

[Sub. S. B. 17.]

APPROPRIATIONS—HIGHWAYS, BRIDGES AND FERRIES.

AN ACT Relating to highways; making appropriations, re-appropriations, and supplemental appropriations for the operation of the state highway commission and the Washington toll bridge authority and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Reappropriation.

SECTION 1. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of one million four hundred twenty-eight thousand fifty-eight dollars, the same being the December 31, 1960 unexpended balance of the appropriation contained in section 4, chapter 326, Laws of 1959, for construction of roads in Adams, Grant and Franklin counties: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.