

## CHAPTER 73

[House Bill No. 495]

UNEMPLOYMENT COMPENSATION—STATE AND POLITICAL SUBDIVISIONS—  
"EMPLOYING UNIT"

AN ACT Relating to unemployment compensation; and amending section 10, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090.

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

Section 1. Section 10, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090 are each amended to read as follows:

"Employing unit" means any individual or any type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ or in its "employment" one or more individuals performing services within this state. The state and its political subdivisions shall be deemed employing units as to any transactions occurring on or after the effective date of this 1977 amendatory act which would render an employing unit liable for contributions under RCW 50.24.130.

Passed the House May 13, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

## CHAPTER 74

[House Bill No. 553]

MINIMUM WAGE ACT—OVERTIME EXEMPTIONS—MOTION PICTURE  
PROJECTIONISTS

AN ACT Relating to labor; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130.

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

Section 1. Section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130 are each amended to read as follows:

(1) No employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed, except that the provisions of this subsection (1) shall not apply to any person exempted pursuant to RCW 49.46.010(5) as now or hereafter amended and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay nor to any

individual employed as a seaman whether or not the seaman is employed on a vessel nor to any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay.

(2) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred and forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he is employed: PROVIDED, That this section shall not apply to 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; or (iii) 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: PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (Section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259).

Passed the House May 16, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.