

public notice of closure or restriction. The highway commission may further authorize the department of highways to issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

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CHAPTER 16

[Engrossed Substitute Senate Bill No. 2463]

INDUSTRIAL WELFARE--EMPLOYMENT STANDARDS

AN ACT Relating to industrial welfare; amending section 1, chapter 174, Laws of 1913 and RCW 49.12.010; amending section 2, chapter 174, Laws of 1913 and RCW 49.12.020; amending section 7, chapter 174, Laws of 1913 and RCW 49.12.050; amending section 13, chapter 174, Laws of 1913 and RCW 49.12.110; amending section 17, chapter 174, Laws of 1913 and RCW 49.12.170; amending section 43.22.260, chapter 8, Laws of 1965 as amended by section 82, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 as amended by section 83, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.270; amending section 43.22.280, chapter 8, Laws of 1965 as amended by section 84, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.280; adding new sections to chapter 49.12 RCW; repealing section 3, chapter 174, Laws of 1913 and RCW 49.12.030; repealing section 6, chapter 174, Laws of 1913 and RCW 49.12.040; repealing section 8, chapter 174, Laws of 1913 and RCW 49.12.060; repealing section 9, chapter 174, Laws of 1913 and RCW 49.12.070; repealing section 10, chapter 174, Laws of 1913 and RCW 49.12.080; repealing section 11, chapter 174, Laws of 1913 and RCW 49.12.090; repealing section 12, chapter 174, Laws of 1913, section 1, chapter 192, Laws of 1943 and RCW 49.12.100; repealing section 14, chapter 174, Laws of 1913, section 1, chapter 195, Laws of 1949 and RCW 49.12.120; repealing section 19, chapter 174, Laws of 1913 and RCW 49.12.160; repealing section 1, chapter 68, Laws of 1915, section 1, chapter 29, Laws of 1917 and RCW 49.12.190; repealing section 1, page 104, Laws of 1890 and RCW 49.12.215; repealing section 2, page 104,

Laws of 1890 and RCW 49.12.217; repealing section 2, chapter 37, Laws of 1911 and RCW 49.12.220; repealing section 3, chapter 37, Laws of 1911 and RCW 49.12.230; declaring an emergency; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 49.12 RCW a new section to read as follows:

For the purposes of this chapter:

(1) The term "department" means the department of labor and industries.

(2) The term "director" means the director of the department of labor and industries, or his designated representative.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees.

(4) The term "employee" means an employee who is employed in the business of his employer whether by way of manual labor or otherwise.

(5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of this 1973 amendatory act a minor is defined to be a person of either sex under the age of eighteen years.

(7) The term "committee" shall mean the industrial welfare committee.

Sec. 2. Section 1, chapter 174, Laws of 1913 and RCW 49.12.010 are each amended to read as follows:

The welfare of the state of Washington demands that ((women and minors)) all employees be protected from conditions of labor which have a pernicious effect on their health ((and morals)). The state of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Sec. 3. Section 2, chapter 174, Laws of 1913 and RCW 49.12.020 are each amended to read as follows:

It shall be unlawful to employ ((women or minors)) any person in any industry or occupation within the state of Washington under conditions of labor detrimental to their health ((or morals)); and it shall be unlawful to employ ((women)) workers in any industry within

the state of Washington at wages which are not adequate for their maintenance.

Sec. 4. Section 43.22.280, chapter 8, Laws of 1965 as amended by section 84, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.280 are each amended to read as follows:

The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, ((and)) the supervisor of safety, the industrial statistician, and the supervisor of employment standards shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of ((women in industry)) employment standards shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law.

NEW SECTION. Sec.5. There is added to chapter 49.12 RCW a new section to read as follows:

It shall be the responsibility of the industrial welfare committee, with the aid and assistance of the director, to investigate the wages, hours and conditions of employment of all employees, including minors, except as may otherwise be provided in this 1973 amendatory act. The director, or his authorized representative, shall have full authority to require statements from all employers, relative to wages, hours and working conditions and to inspect the books, records and physical facilities of all employers subject to this 1973 amendatory act. Such examinations shall take place within normal working hours, within reasonable limits and in a reasonable manner.

NEW SECTION. Sec. 6. There is added to chapter 49.12 RCW a new section to read as follows:

After an investigation has been conducted by the director of labor and industries of wages, hours and conditions of labor subject to this 1973 amendatory act, the industrial welfare committee shall be furnished with all information relative to such investigation of wages, hours and working conditions, including current statistics on wage rates in all occupations subject to the provisions of this 1973 amendatory act. Within a reasonable time thereafter, if the committee finds that in any occupation, trade or industry, subject to this 1973 amendatory act, the wages paid to employees are inadequate to supply the necessary cost of living, but not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended, or that the conditions of labor are detrimental to the health of employees, the committee shall have authority to prescribe rules and regulations for the purpose of adopting minimum wages for occupations not otherwise governed by minimum wage requirements fixed by state or federal statute, or a rule or regulation promulgated pursuant to such statute, and, at the same time have the authority to

prescribe rules and regulations fixing standards, conditions and hours of labor for the protection of the safety, health and welfare of employees for all or specified occupations subject to this 1973 amendatory act. Thereafter, the committee shall conduct a public hearing in accordance with the procedures of the administrative procedure act, chapter 34.04 RCW, for the purpose of the adoption of rules and regulations fixing minimum wages and standards, conditions and hours of labor subject to the provisions of this act. After such rules become effective, copies thereof shall be supplied to employers who may be affected by such rules and such employers shall post such rules, where possible, in such place or places, reasonably accessible to all employees of such employer. After the effective date of such rules, it shall be unlawful for any employer in any occupation subject to this 1973 amendatory act to employ any person for less than the rate of wages specified in such rules or under conditions and hours of labor prohibited for any occupation specified in such rules: PROVIDED, That this section shall not apply to sheltered workshops.

NEW SECTION. Sec. 7. There is added to chapter 49.12 RCW a new section to read as follows:

Whenever wages, standards, conditions and hours of labor have been established by rule and regulation of the committee, the committee may upon application of either employers or employees conduct a public hearing for the purpose of the adoption, amendment or repeal of rules and regulations promulgated under the authority of this 1973 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 49.12 RCW a new section to read as follows:

An employer may apply to the committee for an order for a variance from any rule or regulation establishing a standard for wages, hours, or conditions of labor promulgated by the committee under this chapter. The committee shall issue an order granting a variance if it determines or decides that the applicant for the variance has shown good cause for the lack of compliance. Any order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, standards and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time the committee may terminate and revoke such order, provided the employer was notified by the committee of the termination at least thirty days prior to said termination.

NEW SECTION. Sec. 9. There is added to chapter 49.12 RCW a new section to read as follows:

Any person, firm, or corporation feeling aggrieved of any action taken or decision made by an officer or employee of the

department in the enforcement of this act may appeal such action or decision to the industrial welfare committee by filing notice of such appeal with the industrial welfare committee within thirty days of such action or decision. Such appeal shall be done in accordance with the rules of procedure for the process of appeals, such rules to be promulgated by the industrial welfare committee. The notice of appeal shall suspend such action or decision pending the determination of the appeal by the industrial welfare committee. The said committee shall review the record, accept and consider written briefs and may hear oral arguments regarding the appeal. The said committee shall decide the questions raised by the appeal on the merits and shall notify all parties in writing of its decision, which shall be final and binding upon all parties, subject to judicial review at the instance of a losing party pursuant to chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 10. There is added to chapter 49.12 RCW a new section to read as follows:

The industrial welfare committee shall meet at least annually and at such other times as may be reasonably necessary for the purpose of reviewing rules and regulations fixing minimum wages and standards, conditions and hours of labor and for the purpose of proposing the amendment, repeal or adoption of new rules and regulations.

Sec. 11. Section 43.22.260, chapter 8, Laws of 1965 as amended by section 82, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.260 are each amended to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 12. Section 43.22.270, chapter 8, Laws of 1965 as amended by section 83, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

- (1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;
- (2) To study and keep in touch with problems of industrial

relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of ~~((miners))~~ employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 13. Section 13, chapter 174, Laws of 1913 and RCW 49.12.110 are each amended to read as follows:

For any occupation in which a minimum ~~((rate))~~ wage has been established, the committee through its secretary may issue to ~~((a woman))~~ an employer, a special certificate or permit for an employee who is physically or mentally defective or crippled by age or otherwise, or to ~~((an apprentice in such class of employment or occupation as usually requires to be learned by apprentices))~~ a trainee or learner not otherwise subject to the jurisdiction of the apprenticeship council, a special ~~((license))~~ certificate or permit authorizing the employment of such ~~((licensee))~~ employee for a wage less than the legal minimum wage; and the committee shall fix the minimum wage for said person, such special ~~((license))~~ certificate or permit to be issued only in such cases as the committee may decide the same is applied for in good faith and that such ~~((license for apprentices))~~ certificate or permit shall be in force for such length of time as the said committee shall decide and determine is proper.

Sec. 14. Section 7, chapter 174, Laws of 1913 and RCW 49.12.050 are each amended to read as follows:

Every employer (~~of women and minors~~) shall keep a record of the names of all (~~women and minors~~) employees employed by him, and shall on request permit the committee or any of its members or authorized representatives to inspect such record.

NEW SECTION. Sec. 15. There is added to chapter 49.12 RCW a new section to read as follows:

The committee, or the director, may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees, such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which such minor may then be attending.

Sec. 16. Section 17, chapter 174, Laws of 1913 and RCW 49.12.170 are each amended to read as follows:

Any (~~person~~) employer employing (~~a woman or minor~~) any person for whom a minimum wage or standards, conditions, and hours of labor have been specified, at less than said minimum wage, or under standards, or conditions of labor or at hours of labor prohibited by the (~~order~~) rules and regulations of the committee; or violating any other of the provisions of (~~RCW 49.42.040 through 49.42.480~~) this 1973 amendatory act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one (~~hundred~~) thousand dollars.

NEW SECTION. Sec. 17. There is added to chapter 49.12 RCW a new section to read as follows:

This 1973 amendatory act shall not apply to newspaper vendors or carriers and domestic or casual labor in or about private residences and agricultural labor as defined in RCW 50.04.150, as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 49.12 RCW a new section to read as follows:

This chapter shall not be construed to interfere with, impede,

or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 174, Laws of 1913 and RCW 49.12.030;
 - (2) Section 6, chapter 174, Laws of 1913 and RCW 49.12.040;
 - (3) Section 8, chapter 174, Laws of 1913 and RCW 49.12.060;
 - (4) Section 9, chapter 174, Laws of 1913 and RCW 49.12.070;
 - (5) Section 10, chapter 174, Laws of 1913 and RCW 49.12.080;
 - (6) Section 11, chapter 174, Laws of 1913 and RCW 49.12.090;
 - (7) Section 12, chapter 174, Laws of 1913, section 1, chapter 192, Laws of 1943 and RCW 49.12.100;
 - (8) Section 14, chapter 174, Laws of 1913, section 1, chapter 195, Laws of 1949 and RCW 49.12.120;
 - (9) Section 19, chapter 174, Laws of 1913 and RCW 49.12.160;
 - (10) Section 1, chapter 68, Laws of 1915, section 1, chapter 29, Laws of 1917 and RCW 49.12.190;
 - (11) Section 1, page 104, Laws of 1890 and RCW 49.12.215;
 - (12) Section 2, page 104, Laws of 1890 and RCW 49.12.217;
 - (13) Section 2, chapter 37, Laws of 1911 and RCW 49.12.220;
- and
- (14) Section 3, chapter 37, Laws of 1911 and RCW 49.12.230.

NEW SECTION. Sec. 20. If any provision of this 1973 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate September 11, 1973.

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CHAPTER 17

[Reengrossed Senate Bill No. 2516]

FEDERAL ASSISTANCE PROGRAMS--DISBURSEMENT, REPORTING REQUIREMENTS

AN ACT Relating to dispersal of funds; amending section 2, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.130; amending section 3, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.140; and