

---

HOUSE BILL 2390

---

State of Washington

64th Legislature

2016 Regular Session

By Representatives Klippert, Orwall, Zeiger, Kilduff, MacEwen, Johnson, Haler, Chandler, Short, and Kretz; by request of Military Department

1 AN ACT Relating to the enforcement of employment rights arising  
2 from state active duty service by a member of the national guard; and  
3 amending RCW 73.16.061.

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

5 **Sec. 1.** RCW 73.16.061 and 2013 c 23 s 190 are each amended to  
6 read as follows:

7 (1) (~~In case~~) If any employer, (~~his or her~~) or any employer's  
8 successor or successors, fails or refuses to comply with the  
9 provisions of RCW 73.16.031 through 73.16.061 and 73.16.090, the  
10 attorney general (~~shall~~) must bring action in the superior court in  
11 the county in which the employer is located or does business to  
12 obtain an order to specifically require such employer to comply with  
13 the provisions of this chapter, and, as an incident thereto, to  
14 compensate such person for any loss of wages or benefits suffered by  
15 reason of such employer's unlawful act if:

16 (a) The service in question was state duty not covered by the  
17 uniformed services employment and reemployment rights act of 1994,  
18 P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

19 (b) The (~~employer support for guard and reserve ombuds~~)  
20 adjutant general of the Washington state military department, or his

1 or her designee, has inquired (~~in~~) with the employer regarding the  
2 matter and has been unable to resolve it.

3 (2) If the conditions in subsection (1)(a) and (b) of this  
4 section are met, any such person who does not desire the services of  
5 the attorney general may, by private counsel, bring such action.

--- END ---