
ENGROSSED SUBSTITUTE HOUSE BILL 1636

State of Washington

62nd Legislature

2011 Regular Session

By House Labor & Workforce Development (originally sponsored by Representatives Upthegrove, Nealey, Ormsby, Green, Fitzgibbon, Lias, Orcutt, Maxwell, Sullivan, Pedersen, Anderson, Van De Wege, McCune, Orwall, Ross, Goodman, Sells, Bailey, Stanford, Pearson, Roberts, Kristiansen, Warnick, Cody, Moscoso, and Billig)

READ FIRST TIME 02/07/11.

1 AN ACT Relating to amateur sports officials; amending RCW
2 50.04.245; and adding a new section to chapter 50.04 RCW.

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

4 **Sec. 1.** RCW 50.04.245 and 2007 c 146 s 14 are each amended to read
5 as follows:

6 (1) Subject to the other provisions of this title, personal
7 services performed for, or for the benefit of, a third party pursuant
8 to a contract with a temporary staffing services company or services
9 referral agency constitutes employment for the temporary staffing
10 services company or services referral agency when the agency is
11 responsible, under contract or in fact, for the payment of wages in
12 remuneration for the services performed.

13 (2) The temporary staffing services company or services referral
14 agency is considered the employer as defined in RCW 50.04.080.

15 (3) Services performed by amateur sports officials, on a contest-
16 by-contest basis, for interscholastic and youth or adult recreational
17 sports contests are not considered employment for a services referral
18 agency if the agency is not responsible for payment to the amateur

1 sports officials unless and until the agency is paid or reimbursed by
2 a third party.

3 (4) For the purposes of this section:

4 (a) "Temporary staffing services company" means an individual or
5 entity that engages in: Recruiting and hiring its own employees;
6 finding other organizations that need the services of those employees;
7 and assigning those employees on a temporary basis to perform work at
8 or services for a client to support or supplement the client's
9 workforces, or to provide assistance in special work situations, such
10 as employee absences, skill shortages, and seasonal workloads, or to
11 perform special assignments or projects, all under the direction and
12 supervision of the client. "Temporary staffing services company" does
13 not include professional employer organizations as defined in RCW
14 50.04.298, permanent employee leasing, or permanent employee placement
15 services.

16 (b) "Services referral agency" means an individual or entity other
17 than a professional employer organization as defined in RCW 50.04.298
18 that is engaged in the business of offering the services of one or more
19 individuals to perform specific tasks for a third party.

20 (c) "Amateur sports official" means any person who serves as a
21 neutral participant in any sports contest where the players are not
22 compensated including, but not limited to, an umpire, referee, judge,
23 linesperson, scorekeeper, timekeeper, or organizer.

24 NEW SECTION. Sec. 2. A new section is added to chapter 50.04 RCW
25 to read as follows:

26 Except for services subject to RCW 50.44.010, 50.44.020, 50.44.030,
27 or 50.50.010, the term "employment" shall not include services
28 performed by amateur sports officials, on a contest-by-contest basis,
29 for interscholastic and youth or adult recreational sports contests.
30 For purposes of this section, "amateur sports official" means any
31 person who serves as a neutral participant in any sports contest where
32 the players are not compensated, including but not limited to, an
33 umpire, referee, judge, linesperson, scorekeeper, timekeeper, or
34 organizer, and who is not otherwise employed by the sponsor of the
35 sports contest.

--- END ---