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**SUBSTITUTE SENATE BILL 6228**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, Conway, Kline, and Kohl-Welles)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to the employment status of job applicants; adding  
2 a new section to chapter 49.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW  
5 to read as follows:

6 (1) An employer or employer's agent, representative, or designee  
7 shall not knowingly or purposefully publish, through print, broadcast,  
8 photographic, mechanical, internet, or electronic distribution, an  
9 advertisement for any job vacancy in this state that contains one or  
10 more of the following:

11 (a) Any provision stating that the qualifications for a job include  
12 current employment;

13 (b) Any provision stating that the employer or employer's agent,  
14 representative, or designee will not consider or review an application  
15 for employment submitted by any job applicant currently unemployed; or

16 (c) Any provision stating that the employer or employer's agent,  
17 representative, or designee will only consider or review applications  
18 for employment submitted by job applicants who are currently employed.

1        This section does not prohibit an employer or employer's agent,  
2 representative, or designee from publishing, through print, broadcast,  
3 photographic, mechanical, internet, or electronic distribution, an  
4 advertisement for any job vacancy in this state that contains any  
5 provision setting forth any other qualifications for a job, as  
6 permitted by law, including, but not limited to, the holding of a  
7 current and valid professional or occupational license, certificate,  
8 registration, permit, or other credential; or a minimum level of  
9 education, training, or professional, occupational, or field  
10 experience.

11        In addition, this section does not prohibit an employer or  
12 employer's agent, representative, or designee from publishing, through  
13 print, broadcast, photographic, mechanical, internet, or electronic  
14 distribution, an advertisement for any job vacancy that contains any  
15 provision stating that only applicants who are currently employed by  
16 the advertising employer will be considered.

17        (2)(a) Any employer who violates this section is subject to a civil  
18 penalty in an amount not to exceed one thousand dollars for the first  
19 violation, five thousand dollars for the second violation, and ten  
20 thousand dollars for each subsequent violation, collectible by the  
21 department of labor and industries pursuant to chapter 34.05 RCW.

22        (b) This section does not create, establish, or authorize a private  
23 cause of action by an aggrieved person against an employer who has  
24 violated, or is alleged to have violated, the provisions of this  
25 section.

26        (3) The director of the department of labor and industries must  
27 provide notice to employers of the requirements of this legislation at  
28 least thirty days prior to the effective date of this section.

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