

HB 4113 -1 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/3, 2/10

WHAT THE MEASURE DOES:

Authorizes Bureau of Labor and Industries (BOLI) to make inquiries or investigate employer and adult employees who have direct contact with a minor employee to determine whether employer and adult employees have character and general fitness to employ minors. Authorizes Commissioner of BOLI to require employer and adult employees to undergo criminal records check. Allows BOLI to issue certificate to employ minors only if employer provides signed written statement attesting that the employer is not required to report as a sex offender and that the employer will not permit an employee who reports as a sex offender to have direct contact with a minor employee. Allows Commissioner of BOLI to deny, suspend, or revoke certificate to employ minors and impose a civil penalty if inquiry or investigation reveals information contradicting signed attestation form. Provides employer opportunity for a hearing before such action is taken. Establishes that it is an unlawful employment practice for an employer to allow an employee who reports as a sex offender to have direct contact with a minor employee. Establishes that it is an unlawful employment practice to make a false statement or misrepresent information in the attestation form when applying for a certificate to employ a minor. Subjects violators to civil penalty not exceeding \$5,000. Provides right of private action by minor employee claiming to be aggrieved by these unlawful employment practices. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes authority of BOLI to inquire and investigate with respect to character and general fitness of employees who have direct contact with minor employees. Removes private right of action by minor employee claiming to be aggrieved by these unlawful employment practices.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

BACKGROUND:

An employer wishing to employ anyone under the age of 18 must apply each year for a certificate to employ minors. One certificate applies to all locations where the employer may employ minors. On the request for a certificate, the employer estimates the number of minors to be employed throughout the year, lists the potential job duties, and identifies equipment and machinery the minors will use, and a general description of the business as well as the industry code, if known. There is no fee for the certificate to employ minors. If the application is approved, the validated certificate is mailed to the employer who must post a copy in each business location in a conspicuous place where employees may readily review it. The application review process does not inquire about character or fitness of the employer or employees who have direct contact with minor employees, nor does it allow the refusal to issue a certificate to employ minors based on known character or fitness issues.

House Bill 4113 requires an employer applying for a certificate to employ minors to attest that they and their employees who have direct contact with minor employees are not subject to report as sex offenders. The measure allows BOLI to inquire and investigate as to the character and fitness of the employer and any employee who has direct contact with minor employees. If information is revealed that contradicts the employer's signed

attestation, the certificate can be denied or revoked and a civil penalty imposed. Minor employees are also given a private right of action if they claim they are aggrieved the employer's unlawful employment practice.

PRELIMINARY