



STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT

PO Box 9046 • Olympia WA 98507-9046

March 24, 2023

Professor Leah VanderVelde  
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The University of Iowa  
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Iowa City, IA 52242-1113

*Dear Lee: Most family  
never receive a letter  
like this. Kudos!  
Janis W.*

Re: Washington State's House Bill 1107

Dear Professor VanderVelde:

I am writing to thank you for your scholarship on the history of the common law of master and servant and to let you know about the impact it is having here in Washington. Since 1945, Washington statute defined the term "employment" for purposes of state unemployment insurance coverage as "personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship." RCW 50.04.100. In 2017, this definition was copied over into our paid family and medical leave statute to define who is and is not entitled to paid family and medical leave benefits. RCW 50A.05.010(8)(a).

Over the past three years, more and more employees of the Washington Employment Security Department, the state agency that administers the unemployment insurance and paid family and medical leave programs, have expressed growing discomfort with the terms "master and servant" appearing in these statutes. While the terms felt uncomfortable, we did not know the full origin and history of those terms. Lacking that knowledge, it made it difficult to effectively advocate for a change to our statute.

So, I researched the history of those terms, and discovered your article, "Servitude and Captivity in the Common Law of Master-Servant: Judicial Interpretations of the Thirteenth Amendment's Labor Vision Immediately After Its Enactment," published in May 2019 in the William & Mary Bill of Rights Journal. This article so clearly and thoroughly explained the common law of master and servant, from its origins in Blackstone's Commentaries, how Blackstone drew inspiration from American slavery in writing those commentaries, and how those commentaries became part of the American common law. Now that we were armed with that history, we could better advocate for why those terms were disrespectful and why they needed to be replaced with more inclusive terminology.

I am glad to say that that change is coming. This year, at the Employment Security Department's

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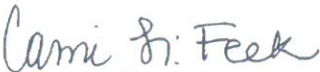
request, the Washington Legislature took up House Bill 1107 to remove the terms “master and servant” from our state unemployment insurance and paid family and medical leave statutes. On February 1, 2023, it passed without dissent in the House of Representatives, where the prime sponsor of the bill was moved to tears as she spoke in favor of the bill on the House floor. On March 22, 2023, the bill was passed unanimously by the Senate. It is now headed to the Governor’s desk for signature.

Your scholarship helped me, it helped the Employment Security Department, and it helped the people of the State of Washington. Thank you and keep up the good work.

Respectfully,



Scott E. Michael  
Legal Services Manager  
Employment Security Department



Cami Feek  
Commissioner  
Employment Security Department

cc: Kevin Washburn, Dean, University of Iowa College of Law