2025 Legislative Developments Affecting Washington Employers

Legal Alert
July 30, 2025

Washington employers face a wave of new workplace legislation, some of which recently became effective and some that will begin in 2026 and beyond. These new or modified laws address a broad range of topics, many of which will require updates to internal policies and procedures or employee handbooks. The summary below outlines key developments by effective date to help employers assess which changes may require immediate action.

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Changes in 2025

Effective May 25, 2025

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Spokane "Ban the Address" Ordinance (C36666)

This ordinance applies to private employers within Spokane city limits. The ordinance prohibits employment discrimination based on an applicant's housing status, including homelessness or lack of a fixed residence. Unless housing status is directly related to the job's primary duties, employers may not disqualify applicants based solely on their address or lack thereof. Employers may collect the applicant's mailing or contact information but cannot inquire into housing status, orally or in writing.

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Effective July 1, 2025

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Expansion of Protected Classes in the Equal Pay & Opportunities Act (EPOA) (SHB 1905)

The Equal Pay and Opportunities Act (EPOA) was originally enacted to prohibit pay discrimination based on gender. The EPOA has been amended to prohibit pay discrimination on the basis of many other protected classes. Protected classes now include age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The law remains unchanged with respect to an employer's ability to differentiate compensation based in good faith on bona fide job-related factors that are consistent with business necessity and not based on discrimination, such as education, training or experience; a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or based on regional differences in compensation levels or variations in local minimum wage requirements. An aggrieved individual may claim discrimination based on the person's membership in more than one protected class.

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Workplace Protections Against Immigration-Based Coercion (SSB 5104)

Under this law, employees are protected from coercion related to their immigration status when exercising rights under specified Washington employment laws. Coercion is broadly defined to include threats intended to deter employees from engaging in legally protected activities or exercising rights, such as filing wage or labor condition complaints. The law imposes civil penalties from $1,000 to $10,000 per violation.

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Effective July 27, 2025

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Wage Posting Requirements, Cure Periods and Penalties/Damages Under the Equal Pay & Opportunities Act (EPOA) (SSB 5408)

The EPOA as originally enacted required employers to post a salary range for each position. The law has been amended to permit employers to post a fixed wage (rather than a range) in job postings as long as a fixed wage is the actual offer for the role. The law also clarifies that "posting" does not include solicitations for applicants digitally replicated and reposted without the employer's permission.

Until July 27, 2027, employers have five business days to correct deficient postings upon receiving notice, with corrections that include contacting third-party posting platforms. If corrected within five business days of learning of the deficient posting, no penalties or damages may be awarded. After July 27, 2027, the cure provision no longer applies. The

amendment also introduces an opportunity for conciliation in response to a claimed violation, defines available civil penalties and damages, establishes a three-year statute of limitations and outlines factors for assessing relief.

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Access to Personnel Records & Termination Notices (SHB 1308)

Under existing law, employers must allow employees to inspect their personnel file at least annually upon request. With this amendment, private employers must provide personnel files, including job applications, evaluations, disciplinary records, leave and accommodation records, payroll records and employment agreements, within 21 days of request, and may not charge for providing the documents. Upon request by a terminated employee, private employers must within 21 days issue a signed statement that includes the effective date, whether there was a reason, and if so, the reason for separation. These obligations apply to requests by employees or by former employees who separated within the past three years, as well as those employees' or former employees' designees. Employees or former employees may bring a private cause of action to seek damages from private employers, but they must first notify the employer of the intent to sue before proceeding.

Public employers will need to now follow the requirements of the public records act in responding to requests for personnel records from current or former employees or their designees. The new law does not create a right to bring a private cause of action seeking damages against public employers.

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Restrictions on Driver's License Requirements in Hiring (SSB 5501)

Under a new law, employers may not require or post a requirement for a valid driver's license as a condition of employment unless driving is an essential job function or tied to a legitimate business purpose. Penalties for violations include actual damages, statutory damages, interest and investigative costs, among other remedies.

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Paid Sick Leave for Immigration Proceedings (ESHB 1875)

Since 2018, employers have been required by law to provide paid sick leave to overtime eligible workers to care for themselves or family members who are ill, injured or seeking medical care. This law has been expanded to include leave for employees to prepare for or attend any judicial or administrative immigration-related proceedings involving themselves or family members. Documentation requirements are flexible, including a requirement that an employer must accept an employee's written statement as verification. The documentation or written statement must not disclose any personally identifiable information about the

employee's immigration status or protection, and confidentiality requirements apply. Like other paid sick leave uses, retaliation against employees for use of such leave is prohibited.

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Washington WARN Act ("Mini-WARN") Protects Workers Facing Employment Loss due to Business Closure or Mass Layoff (ESSB 5525)

For many years, the federal Worker Adjustment and Retraining Notification Act ("WARN") has required certain employers to provide 60-days' advance notice to employees, unions in union-represented workforces and government officials before a mass layoff or plant closure. Now Washington employers face similar duties under state law with the passage of a "Mini-WARN" Act. Requirements are broader than the federal WARN Act. Employers with 50 or more full-time employees must provide 60 days' advance written notice of a business site closure or mass layoff with specific details outlined in the law to the Washington State Employment Security Department and the affected employees, or, if the employees are represented, to the employees' union. There are some exceptions to the notice requirement, such as:

- when the employer is actively seeking capital or business which could avoid or postpone the layoff and the employer reasonably and in good faith believes the notice would preclude that effort,
- when the layoff is due to unforeseeable business circumstances,
- when the layoff is due to a natural disaster, and
- when the affected workers are working on certain types of construction projects.

Employees on Washington Paid Family Medical Leave must be excluded from a mass layoff unless the layoff is due to unforeseeable business circumstances, natural disaster or involves workers working on certain types of construction projects. Affected employees or their bargaining representatives may bring legal action for violations. Penalties for violations include daily payments to affected employees and civil fines. Public employers are not covered under this law.

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Agricultural Cannabis Workers Collective Bargaining (ESHB 1141)

This new law provides collective bargaining rights for agricultural workers in the Washington cannabis industry. Washington's Public Employment Relations Commission enforces this statute.

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Public Employee Collective Bargaining Settlement Agreements (SSB 5503)

Public employee collective bargaining law is amended to create a new limit on resolving public sector grievances. Public employers may not require a worker to waive any right arising out of state or federal law as a condition of settling a grievance under a collective bargaining agreement.

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Public Records Act Exemptions of Harassment/Discrimination Investigation Records (HB 1934)

For public employers, investigation records involving harassment and discrimination must be redacted to protect information about the complainant, accuser or witness. Under existing law, the name of the complainant, accuser or witness is redacted unless they have consented to disclosure. A new amendment provides for redactions of the complainant, accuser or witness's job title, image, email address, phone number and voice/audio recordings. If the complainant is an elected government official, name and title are not redacted.

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Changes in 2026

Effective January 1, 2026

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Unemployment Benefits for Striking & Lockout Workers (ESSB 5041)

Under current law, unemployment benefits are not available for striking workers. Beginning in January of 2026, as of the second Sunday after the strike begins, striking workers will qualify for unemployment benefits, receiving up to six weeks of benefits after a one-week waiting period. If workers receive back pay following settlement of the strike, employees may be required to repay amounts paid by the State. If a strike is unlawful under federal or state law, striking workers are not entitled to benefits. If it is later found that a strike was unlawful, workers may be liable for repayment of the strike benefits.

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Expanded Employment Protections Under Paid Family Medical Leave (PFML) (ESSHB 1213)

Under Washington's existing Paid Family Medical Leave law, when employees use PFML leave, they are only entitled to job restoration (return to employment in the same or an equivalent position with equivalent pay, benefits, terms and conditions) if they have worked for a

Washington employer with 50 or more employees for least 12 months and have worked 1,250 hours within the 12 months prior to the leave. Under the new law, employees are eligible for job restoration after 180 days of employment and there is no longer an hours of work requirement for restoration. However, under the revised law, employees need to exercise their right to restoration to avoid forfeiture. Absent a written agreement otherwise, the employee must exercise the right on the earlier of 1) the first scheduled work day following the period of PFML leave, 2) the first scheduled work day following unpaid FMLA leave where the employee was eligible for PFML but did not apply for or receive PFML leave or 3) a combination of the two that totals 16 weeks of leave (or 18 weeks if due to pregnancy incapacity) during a period of 52 weeks.

In addition, under the amended law, the minimum qualifying leave period is now 4 consecutive hours, reduced from 8 hours. Another change in the amended law is the requirement to continue employer-paid health benefits. While existing law requires an employee to have at least one day of overlap of PFML leave with FMLA in order to have employer-paid health benefit continuation, under the new law, there is no longer a need for overlap with FMLA for benefit continuation.

Finally, the new law addresses leave stacking for job restoration. As long as an employer meets multiple specific notice requirements, leave taken under FMLA can be counted against an employee's PFML job restoration allotment, even if the employee does not apply for PFML. To do so, the employer must provide written notice to the employee within five business days of the employee's initial request for FMLA leave and then monthly thereafter during the leave year.

Protections under the PFML will be phased in for employees of smaller employers over the next three years. (Applies to employers with 25 or more employees on January 1, 2026; applies to employers with 15 or more employees on January 1, 2027; applies to employers with 8 or more employees on January 1, 2028.)

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Leave & Safety Accommodations for Victims of Hate Crimes (SSB 5101)

The scope of Washington's existing leave and safety accommodation law is expanded to protect individuals who are victims of hate crimes, including those committed through online or digital means. This law requires employers to grant reasonable leave and reasonable safety accommodations. These protections parallel those already in place in this same law for victims of domestic violence, sexual assault and stalking.

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Panic Button Requirements for Isolated Workers (SSHB 1524)

Following a Seattle ordinance applicable to large hotels, Washington law will require employers to provide isolated employees with panic buttons and train employees on their proper use. The law defines "isolated employee" as one who spends at least 50% of their working hours alone, works in an area where coworkers or supervisors are not immediately available to respond to an emergency without being summoned by the employee or whose primary work responsibilities include working without a coworker present. Covered positions include janitors, security guards, hotel or motel housekeepers and room service attendants.

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Effective July 1, 2026

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Fair Chance Act Enhancements (EHB 1747)

Washington's Fair Chance Act has been amended to prohibit employers from inquiring about criminal history until after a conditional job offer has been made. In addition, tangible adverse employment actions toward applicants or employees based on arrest records, juvenile records or adult convictions must be supported by a legitimate business reason as defined in the law, and employers are required to notify the applicant or employee, allow at least two days for response and, if an adverse employment decision is made, provide a written decision documenting their assessment of statutory factors. The statutory factors are post-conviction rehabilitation, good conduct, work experience, education and training. Employer documentation requirements are stringent. In cases where a candidate voluntarily discloses criminal history, employers must notify them immediately in writing of specific requirements of the Fair Chance Act and provide them with the Attorney General's Washington Fair Chance Act Guide for Employers and Job Applicants. The law defines "tangible adverse employment action" as an employer decision rejecting an otherwise qualified job applicant or terminating, suspending, disciplining, demoting or denying a promotion to an employee. The statute carries significant penalties for noncompliance. The law permits employers to bar individuals with criminal records from working under a federal contract if it is a specific requirement of the federal contract. For employers with 15 or more employees, the law will apply beginning July 1, 2026; for employers with fewer than 15 employees, the law will apply beginning January 1, 2027.

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Revisions to Minor & Child Labor Laws (ESHB 1644)

Updates to Washington's minor and child labor law significantly increase penalties for violations related to the employment of minors, both for work permit violations and safety violations.

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Portability of WA Cares Act Coverage (WA Cares Program) (SHB 2467)

Washington's long-term care law (WA Cares) has been updated so that employees who move out of state may elect to continue their participation in the program if they have contributed for at least three years (with at least 500 hours per year) and elect to opt in within one year of establishing a primary residence outside of Washington. Updates to the law also prohibit discrimination based on race, gender, age or preexisting condition. While other changes to the law take effect July 1, 2025, the provisions that allow for out-of-state contribution to the WA Cares fund begin July 1, 2026. Out-of-state workers can begin receiving benefits on January 1, 2030.

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Changes in 2027

Effective January 1, 2027

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Pregnancy-Related Accommodations (E2SSB 5217)

A new law in Washington expands employer obligations to accommodate pregnancy and pregnancy related health conditions, including the need to express milk. The law applies to employers of any size, including religious organizations. Under existing law (RCW 43.10.005), pregnancy-related accommodations, including lactation breaks, were already required. The new law expands the list of accommodations and requires that lactation breaks be paid (including travel time to the lactation space) for those breastfeeding or expressing milk for two years after birth of a child. The new law also provides for greater scheduling flexibility for prenatal and postpartum medical visits and permits the nursing mother to obtain temporary job transfers.

If you have questions about how these new laws may impact your organization or need assistance updating your policies or procedures, please contact our team.