

WASHINGTON — State Laws by Topic

➤ AGE ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on age, unless a *bona fide* occupational qualification exists.

For the purposes of this law, age means 40 years of age or older, and an employer is defined as any individual acting in the interest of an employer, directly or indirectly, who has eight or more employees.

➤ AIDS ◀

Discrimination: Employers are prohibited from terminating or otherwise discriminating against an employee based solely on the results of an AIDS test.

Testing: Employers are prohibited from requiring an AIDS test as a condition of hiring, promotion, or continued employment, unless the absence of the AIDS virus is a *bona fide* occupational qualification for the job in question.

Note: Employers, unless grossly negligent, are immune from civil liability for damages arising from the transmission of AIDS from an infected employee to others.

➤ ARRESTS/CONVICTIONS ◀

Arrests: The Washington Pre-Employment Inquiry Guide stipulates that an arrest by itself is not a reliable indication of criminal behavior. Inquiries concerning arrests, which have occurred within the last 10 years, must include whether charges are still pending, have been dismissed, or led to the conviction of a crime involving behavior that would adversely effect job performance.

Convictions: Employers can't include any question on job applications, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about a job applicant's criminal record until after employers initially determine that the applicant is otherwise qualified for the position.

Employers can't advertise positions in any way that excludes job applicants with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

In addition, employers may not implement any policy or practice that automatically or categorically excludes job applicants with criminal records from consideration prior to the initial determination that they're otherwise qualified for the position. Prohibited policies and practices include rejecting applicants for failing to disclose their criminal records prior to the initial determination that they're otherwise qualified for the position.

Once employers have initially determined that a job applicant is otherwise qualified, they may inquire into or obtain information about a criminal record.

The following exceptions apply:

- employers hiring applicants who will or may have unsupervised access to minors under the age of 18, vulnerable adults, or other vulnerable persons;
- employers, including financial institutions, that are permitted or required under federal or state law to make these sorts of pre-employment inquiries;
- employers that are law enforcement agencies; and
- employers that are required to comply with SEC rules.

➤ BREAKS ◀

A 30-minute meal break is required if employees work more than five hours in a shift. Meal breaks must be scheduled after two hours of work if the meal break can't start more than five hours after the beginning of the shift. In addition, a 10-minute rest break must be provided for each four hours employees work. For every three overtime hours worked in a day, employees must be provided with a 30-minute meal break before or during the overtime portion of the shift.

➤ BREAST-FEEDING ◀

An employer may use the designation "infant-friendly" on its promotional materials if the employer has an approved workplace breast-feeding policy addressing, at a minimum, all of the following.

- Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for the expression of breast milk.
- A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breast-feeding or expressing breast milk.
- A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in a private location.
- A convenient hygienic refrigerator in the workplace for the mother's breast milk.

In addition, a woman may breast-feed her child in any place of public resort, accommodation, assemblage, or amusement. It is an unfair practice to discriminate against a person because of the person's status as mother breast-feeding her child.

➤ **CHILD LABOR** ◀

Click on the following link www.lni.wa.gov/WorkplaceRights/TeenWorkers/ for the Washington State Department of Labor & Industries information on teen workers.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding with the next scheduled payday after the order is served. Amounts are remitted within five days, if remitted under a court order; seven days, if remitted under an administrative order. Notify the state agency promptly if the employee-obligor terminates.

➤ **COURT ATTENDANCE** ◀

The state provides employer intercession services to ensure that employees who are victims of a crime, survivors of victims, or witnesses of a crime will cooperate with court proceedings, and to minimize loss of pay and other benefits resulting from court appearance.

See also violence.

➤ **DISABILITIES** ◀

Under the Washington Law Against Discrimination in Employment, where no *bona fide* occupational qualification exists, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on a disability, which is defined as any sensory, physical, or mental impairment that: 1) is medically cognizable or diagnosable; 2) exists as a record or history; or 3) is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or limits the ability for an individual to work generally or work at a particular job. For purposes of this definition, an impairment includes physiological, mental, or emotional disorders; cosmetic disfigurements; and anatomical losses.

Employers cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on a disability, unless a *bona fide* occupational qualification exists.

Employers must accommodate an individual when his/her impairment is “known or shown through an interactive process to exist in fact,” and:

- the impairment has a substantially limiting effect upon the individual’s ability to perform his/her job, the individual’s ability to apply or be considered for a job, or the individual’s access to equal benefits, privileges, or terms or conditions of employment; or
- the individual puts the employer on notice of the impairment and medical documentation establishes a “reasonable likelihood that engaging in job functions without an

accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.”

In addition, employers may not refuse to accommodate individuals based solely on their use of a trained guide dog or service animal. Refusal to make an accommodation can only be made if the employer can demonstrate that the accommodation would impose an undue hardship.

For the purposes of this law, an employer is defined as any individual acting in the interest of an employer, directly or indirectly, who employs eight or more persons.

➤ DRUG TESTING ◀

No statutory provisions for private employers.

Washington legalized the recreational use of marijuana.

➤ FAMILIAL/MARITAL STATUS ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on marital status, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on marital status, unless a *bona fide* occupational qualification exists.

For the purposes of this law, an employer is defined as any individual acting in the interest of an employer, directly or indirectly, that has eight or more employees.

Employees who have registered their domestic partnerships are entitled to be treated as if they are married.

Beginning January 1, 2013, same-sex couples will be allowed to marry. Same-sex couples, therefore, will be entitled to all the benefits of employment.

➤ FAMILY/MEDICAL LEAVE ◀

Coverage: Employers of 50 or more employees within 75 miles of the worksite.

Employee eligibility: Employees are eligible to take family leave if they have been employed for at least 12 months and for at least 1,250 hours of service.

Length of leave: Covered employers must provide 12 weeks of leave in a 12-month period. Employees are permitted to take leave intermittently or on a reduced schedule.

Reasons for leave: 1) the birth of a child and to care for the child; 2) the placement of a child with the employee for adoption or foster care; 3) the care of a child, spouse, or parent who has a serious health condition; or 4) the employee's own serious health condition.

Note: The definition of "family member" has been expanded to include registered domestic partners.

(Note: When it comes to a pregnancy- or childbirth-related sickness or temporary disability, employees must be granted leave for the full amount of time needed without reducing their entitlement to federal family and medical leave. Because this stipulation appears in Washington's Law Against Discrimination, it applies to employers with eight or more employees.)

Leave may be limited or denied for up to 10% of the employer's workforce in the state designated as "key personnel" or, if the employer does not designate key personnel, the highest paid 10% of the employer's employees in the state.

The employer may allow employees to use paid leave, may require employees to use paid leave, or may provide paid family leave.

Note: Whenever the legislature appropriates funds, employees will be entitled to five weeks' paid family leave because of the birth of a child of the employee and in order to care for the child, or because of the placement of a child with the employee for adoption.

To qualify for benefits, the employee:

- must be unable to perform regular or customary work because he/she is on federal or state family leave;
- must have worked at least 680 hours during the qualifying year; and
- must have provided written notice of the intent to take leave.

The wage replacement of qualified employees is capped at \$250 per week. Benefits are not payable during the first seven calendar days of family leave, regardless of whether those days are paid or unpaid by the employer. Part-time employees will be eligible for a prorated payment.

Any paid leave taken must run concurrently with any unpaid leave taken under the federal FMLA or under the state's Family Leave Act.

Qualified employees must be restored to a position if: 1) the employer has more than 25 employees, and 2) the individual has been employed for at least 12 months and has worked at least 1,250 hours during the previous 12-month period.

Benefits: Benefits continue during the leave period, with employees being responsible for paying premiums for medical coverage.

Notification: Employees must give written notice at least 30 days prior to an anticipated birth or adoption date, or at least 14 days prior to caring for a sick child, unless circumstances prohibit such notice. If an employee fails to give notice, the employer may reduce or increase the family leave by three weeks, requiring that the employee take less leave or remain on unpaid leave for a longer period of time.

Certification: The employer may require confirmation of the need for family leave from a health care provider; and may require, at its expense and selection, that the employee obtain the

opinion of a second health care provider. If the health care providers disagree, they will, at the employer's expense, select a third health care provider, whose opinion is conclusive.

Reinstatement: Upon return from leave, an employee is entitled to the same or equivalent position held prior to the leave. If the equivalent position is located at another of the employer's worksites, the worksite must be no more than 20 miles from the employee's previous workplace. If the employer's circumstances have changed so that the employee cannot be reinstated to the same position or a position of equivalent pay and benefits, the employee must be reinstated in any other position that is vacant and for which the employee is qualified.

The right to be returned to the position the employee held when leave was taken does not apply if the employee's position was eliminated by a *bona fide* restructuring or reduction-in-force; the workplace is permanently or temporarily shut down for at least 30 days; the workplace is moved to a location at least 60 miles away; the employee takes another job; or the employee fails to provide timely notice of family leave or fails to return on the established ending date of leave.

Paid sick leave: Beginning in 2020, employers that have at least 50 employees will be required to provide paid family leave benefits. Paid family leave benefits will be administered through a program that's similar to unemployment benefits.

Employees become eligible for paid family leave after working 820 hours. Employees who work inside and outside the state, or entirely outside the state, will be eligible for benefits if the following criteria are met:

- employees' base of operations is in the state;
- if there is no base of operations, employees' service is directed or controlled in the state; or
- if the base of operations isn't in the state, employees reside in the state.

To be eligible for benefits, employees must file claims for benefits, consent to the disclosure of certain information, notify their employers, and meet documentation requirements regarding leave for a serious health condition or military exigency.

The maximum duration of benefits is 12 times employees' typical workweek hours during a 52-week period for each instance of family and medical leave. The combined total of family and medical leave is 16 weeks. An additional two weeks of leave may be used if employees have a serious health condition related to pregnancy that results in incapacity, for a combined total of 18 weeks. Benefits range from \$100 to \$1,000 a week. If employees' average wage is less than \$100 a week, weekly benefits equal their full weekly wages.

Benefits aren't payable during the first seven days, except for leave for birth or placement of a child. Employers may allow employees to substitute accrued vacation, sick or other paid time off.

Employers with at least 50 employees who work for at least 12 months and for at least 1,250 hours during the preceding 12 months, must be restored to the same or equivalent positions upon returning from leave.

Unless otherwise expressly permitted by employers, leave taken under the law must be taken concurrently with any leave taken under the FMLA.

Employers may opt out of either the state program for family leave, medical leave or both, by adopting voluntary plans. All voluntary plans must meet these standards:

- employees' benefits must be at least equivalent to the benefits provided under this law;
- employers must offer at least one-half the length of leave as provided in the law with pay, and provide benefits that are equal to or greater than the total amount of benefits provided in the law;
- employees' payroll deductions can't exceed deductions that would be taken under the law;
- employees become eligible for benefits after working 820 hours in the qualifying period and at least 340 hours for their current, voluntary-plan employer; and
- employees who work for at least nine months and 965 hours during the preceding twelve months for their employers receive job protection.

If required by the FMLA, employers, including employers with voluntary plans, must maintain employees' health benefits during leave. If the cost of the benefits is shared, each remains responsible for their share.

Employers with 150 or fewer employees, or employers with 50 or fewer employees who opt to pay all the health premiums, are eligible for grants of \$3,000 if they hire temporary workers to replace employees who are on leave for seven or more days; or up to \$1,000 for reimbursement for significant additional wage-related costs related to employees' leave.

Employers that receive grants for wage-related costs may receive an additional grant of up to \$2,000 in certain circumstances. Employers may not receive more than 10 grants a year and only one for each employee who is on leave. To be eligible for a grant, an employer with 50 or fewer employees must pay all health premiums for three years.

Employers may request relief from unemployment benefits charges that result from paying unemployment benefits to a temporary replacement employee who worked for 20 weeks or less and who was laid off due to the return of an employee receiving benefits. The relief from unemployment benefits charges will be transferred to the unemployment trust fund from the family and medical leave insurance account.

See also military leave.

➤ GENETIC TESTING ◀

It is unlawful for employers to require that an employee or prospective employee submit genetic information or submit to screening for genetic information, as a condition of employment or continued employment.

➤ HEALTH CARE CONTINUATION COVERAGE ◀

No general health care continuation coverage provision.

➤ **JURY DUTY** ◀

Employers may not deprive employment, or threaten, coerce, harass, or deny promotions to employees who are summoned and respond to jury duty or prospective jury duty. Employers must provide employees with a sufficient leave of absence to serve as jurors.

➤ **LIFESTYLE DISCRIMINATION** ◀

No provision.

➤ **MASS LAYOFF NOTIFICATION** ◀

No state-specific notification provision.

➤ **MEDICAL DONATION LEAVE** ◀

All executive agencies must allow employees to take paid leave, not to exceed five days in a two-year period, as needed for participating in life-giving procedures, which are defined as medically supervised procedures involving the testing, sampling, or donation of blood, platelets, organs, fluids, tissues, and other human body components for the purposes of donation, without compensation, to a person or organization for medically necessary treatments.

Employees may be required to provide reasonable advance notice of a desire to take a leave of absence. They must also provide written proof from an accredited medical institution, physician, or other medical professional that they did, indeed, participate in a life-giving procedure. Medical donation leave shall not be charged against sick leave or annual leave, and use of leave without pay shall not be required.

➤ **MILITARY LEAVE** ◀

Employees who leave permanent employment to determine physical fitness to enter, or who do enter, active duty or training in the National Guard, the Armed Forces of the United States, or the U.S. Public Health Service are eligible for military leave privileges.

Note: Employers who have 20 or more full-time equivalent employees in the previous year are prohibited from discriminating against or discharging a civil air patrol member because of leave taken related to an emergency service operation.

Reinstatement: Employees must be reinstated to the same position or one of like seniority, status, and pay. The employee must still be able to perform the duties of the former position. The employee must furnish a receipt of honorable discharge or an equivalent, and make written application to the employer within a timeframe that is determined by the period of service.

- For service less than 31 days, application must be made at the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of

service and the expiration of eight hours after a period allowing for the safe transportation of the applicant from the place of service to the applicant's residence.

- For service lasting more than 30 days but less than 181 days, application for reemployment must be submitted no later than 14 days after the completion of the service.
- For service lasting more than 180 days, application for reemployment must be submitted no later than 90 days after the completion of the service.
- If an employee was hospitalized or convalescing from a service-related injury or illness, application for reemployment must be submitted at the end of the period that is necessary for recovery that does not extend beyond two years.

Reinstatement is not required if the employer's circumstances have changed so as to make it impossible or unreasonable to do so.

Note: The Washington Law Against Discrimination in Employment prohibits employers with eight or more employees from discriminating against an individual based on military status or being an honorably discharged veteran.

Family military leave: During a period of military conflict, an employee who is the spouse of a member of the U.S. Armed Forces, National Guard, or reserves who has been notified of an impending call to active duty or has been deployed is entitled to a total of 15 days of unpaid leave per deployment after the military spouse has been notified of an impending call to active duty and before deployment or when the military spouse is on leave from deployment. To be eligible for leave, the employee must have worked an average of 20 hours per week.

Note: Generally speaking, employees in registered domestic partnerships must be afforded the same rights as are granted to employees who are married.

Employees must notify the employer of their intent to take leave within five business days of receiving official notice of an impending call to active duty or of a leave from deployment.

Employees are permitted to substitute any accrued paid leave for any part of the unpaid family military leave.

Upon return from leave, the employer must: 1) restore the employee to the same or an equivalent position with equivalent pay, and 2) continue to provide the employee with the same benefits it provided prior to leave.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$11/\$16.50; \$11.50/\$17.25, eff 1-1-18; \$12/\$18, eff. 1-1-19; \$13.50/\$20.25, eff. 1-1-20.

Basis for overtime: Over 40 hours/week.

Opportunity wage for under 20-year-olds: None.

Note: State inflation adjusts its minimum wage annually.

➤ **NATIONAL ORIGIN** ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin, including ancestry, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on national origin, including ancestry, unless a *bona fide* occupational qualification exists

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➤ **NEW-HIRE REPORTING** ◀

Data to be reported: Employee's name, address, SSN, date of birth, first day of work; employer's name, address, federal EIN.

Employers must report as new hires former employees who are rehired after a continuous separation of at least 60 days.

Reporting deadline/form: Within 20 days of hire or reinstatement; on W-4s or through the state's website.

➤ **OVERTIME** ◀

Basis for overtime: Over 40 hours in a workweek.

The state has clarified its position on the revised federal white-collar regulations. By and large, state and federal law continue to parallel each other. One important point of divergence is that the state will not allow employers to dock exempts' pay for disciplinary reasons, a practice allowed under the federal regs. Minor differences in the wording of the tests for exempt status also exist. Employers, therefore, are urged to consult both state and federal laws before deciding whether a position is exempt. Overtime paid to interstate truckers and bus drivers must be based on all hours worked, including hours worked outside the state.

➤ **PAY STATEMENTS** ◀

Information required: Basis of pay, hourly rate; gross pay; deductions.

➤ **PERSONNEL FILES** ◀

An employer is required to make any or all of an employee's personnel files available. The employee may review all information in the employee's personnel files that is regularly maintained by the employer as a part of its business records or that may be given to persons outside the company for reference purposes.

The employee may not have access to files relating to an investigation of a possible criminal offense, or records relating to an impending lawsuit.

Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy are exempt from public disclosure and copying.

➤ **POLYGRAPH TESTING** ◀

It is unlawful for employers to require, directly or indirectly, that any current or future employee take or be subjected to any lie detector or similar test as a condition of employment or continued employment.

Permitted testing: The general prohibition against polygraph testing does not apply to current or future employees of employers that manufacture, distribute, or dispense controlled substances, or have sensitive positions directly involving national security.

➤ **POSTING REQUIREMENTS** ◀

Unemployment Benefits (English & Spanish) — All employers

Workers' Compensation Notice (English & Spanish) — All employers

Non-Agricultural Worker Rights (English & Spanish) — All employers in non-agricultural industries

Agricultural Worker Rights (English & Spanish) — All employers in agricultural industries

Safety & Health Protection on the Job (English & Spanish) — All employers

Discrimination (English & Spanish) — Recommended

Minimum Wage — All employers

Workers' Compensation Self-Insured (English & Spanish) — Required for self-insured businesses

➤ **PREGNANCY** ◀

General rule: Employers must provide female employees with leaves of absence for the period that they are sick or temporarily disabled because of pregnancy or childbirth — leave in excess of the sickness or disability is not required. The terms and conditions of the leave are

determined by the employer's policy on temporary disabilities, unless the policy conflicts with this regulation.

Illness or disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are temporary disabilities and must be treated as such under any sick leave plan or temporary disability benefits plan provided in whole or in part by the employer. All written and unwritten policies and practices concerning disabilities must be applied to disabilities resulting from pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

In addition, employers may not refuse to hire, terminate, or otherwise discriminate against a qualified woman with respect to terms and conditions of employment based on pregnancy, unless a reasonable business necessity exists.

Reasonable accommodations: Unless there's an undue hardship, employers with at least 15 employees may not deny employment or promotion to pregnant employees and must provide reasonable accommodations to pregnant employees. Reasonable accommodations include providing more frequent, longer, or flexible restroom breaks; modifying a no food or drink policy; job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station; providing seating or allowing the employee to sit more frequently if the job requires standing; providing a temporary transfer to a less strenuous or hazardous position; providing assistance with manual labor and limits on lifting; scheduling flexibility for prenatal visits; and any further accommodation an employee may request, and to which an employer must give reasonable consideration to in consultation with information provided by the Department of Labor and Industries or the attending health care provider.

Reinstatement: Employers must allow women to return to the same jobs, or similar jobs of at least the same pay, if they have taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth. Refusal to do so must be justified by adequate facts concerning business necessity.

See also family/medical leave.

➤ RACE ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on race or color, unless a *bona fide* occupational qualification exists.

For the purposes of this law, an employer is defined as any individual acting in the interest of an employer, directly or indirectly, who has eight or more employees.

➤ REFERENCES ◀

Blacklisting: Blacklisting is prohibited.

References: An employer who discloses information about a former or current employee to a prospective employer or employment agency at the specific request of that employer or employment agency is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure if the disclosed information relates to: 1) the employee's ability to perform his/her job; 2) the diligence, skill, or reliability with which the employee carried out the duties of his/her job; or 3) any illegal or wrongful act committed by the employee when related to the duties of his/her job. Employers are to keep a written record of the identity of the person or entity to which the information was disclosed for up to two years from the date of such disclosure. Employees have a right to inspect any written record upon request and such written record is to be kept a part of the employee's personnel file.

Service letters: Every employer shall, within ten business days of receiving a written request by a former employee, furnish a signed written statement stating the reasons for and effective date of discharge.

Driving records: The Department of Licensing may enter into contractual agreements with an employer or the employer's agent to review the driving records of existing employees during specified periods of time for changes to the records.

Social media: Employers cannot request, require, or otherwise coerce employees or job applicants into disclosing login information for personal social networking accounts or accessing their accounts in their presence; compel or coerce employees or job applicants to add a person to their list of contacts; request or require employees or job applicants to alter the settings on their accounts that affect a third party's ability to view the contents of those accounts; or take adverse action against employees or job applicants for refusing to take these actions. *Excluded:* Employers can require these actions from social media accounts opened by employees at their request or when employees are provided with company e-mail accounts or other software programs owned and operated by their employers.

Employers that inadvertently receive employees' login information through employer-provided equipment aren't liable for having this information, but they can't use this information to gain access to employees' social media accounts. In addition, employers must continue to comply with federal, state, and local laws and regulations requiring certain disclosures. Employees may be requested to disclose their usernames and passwords if it's reasonably believed to be relevant to a formal investigation or related proceeding regarding a violation of law or company policy.

Salary history: Employers are prohibited from requiring job applicants to disclose their salary.

➤ **RELIGION** ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on creed, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on creed, unless a *bona fide* occupational qualification exists.

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It's an unfair practice for employers to:

- require employees to disclose their sincerely held religious affiliations or beliefs, unless the purpose of the disclosure is to provide religious accommodations at employees' request; or
- require or authorize employees to disclose information about the religious affiliation of employees, unless they consent to the disclosure to know why the disclosure is being made.

➤ **REPORTING PAY** ◀

Compensable working time includes hours during which employees must be on duty, on the premises, or at a prescribed workplace.

➤ **SAFETY** ◀

Click on the following link www.lni.wa.gov/Safety/default.asp to access Washington's workplace safety and health home page, which has a link to safety rules. For information about employers' responsibilities, click on www.lni.wa.gov/Safety/Basics/Steps/default.asp.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Under the Washington Law Against Discrimination in Employment, employers are prohibited from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex, unless a *bona fide* occupational qualification exists.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any

inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on sex, unless a *bona fide* occupational qualification exists.

For the purposes of this law, an employer is defined as any individual acting in the interest of an employer, directly or indirectly, that has eight or more employees.

➤ **SEXUAL HARASSMENT** ◀

State employers: State employers must update or develop and disseminate to all employees a policy that:

- indicates who is covered by the policy;
- includes the Equal Employment Opportunity Commission's definition of sexual harassment;
- identifies how and to whom individuals may raise concerns or file complaints;
- describes how the employer will address concerns of individuals who are affected by sexual harassment;
- identifies appropriate sanctions and disciplinary actions; and
- advises all individuals covered by the policy that the employer is under a legal obligation to respond to allegations concerning a violation of the policy.

State employers must also provide all employees with sexual harassment training and education.

Private employers: Employers are prohibited from requiring an employee, as a condition of employment, to sign a nondisclosure agreement that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events, or between employees, or between an employer and an employee, off the employment premises. Any nondisclosure agreement signed by an employee as a condition of employment that prevents the disclosure or discussion of sexual harassment or sexual assault is against public policy and is void and unenforceable.

An employment agreement is void and unenforceable if it requires employees to waive their right to file complaints under the Washington Law Against Discrimination or federal anti-discrimination law, or if it requires a claim of discrimination be resolved using a dispute resolution process that is confidential, such as mandatory arbitration.

The state's Human Rights Commission will post model policies and best practices on its website.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

Washington's Law Against Discrimination in Employment prohibits employers from refusing to hire, barring from employment, terminating, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sexual orientation.

Employers also cannot print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or use any form of application for employment or make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on sexual orientation, unless a *bona fide* occupational qualification exists.

For the purposes of this law, sexual orientation is defined as heterosexuality, homosexuality, bisexuality, and gender identity or expression. An employer is defined as any individual acting in the interest of an employer, directly or indirectly, that has eight or more employees.

➤ **SMOKING** ◀

Initiative 901 amends the state's Clean Indoor Air Act to require that all public places and workplaces be 100% smoke free. The amendment establishes a 25-foot no-smoking buffer around all workplace doors, windows, and vents.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Employers that maintain computerized data that includes personal information (e.g., Social Security numbers) shall, following discovery of a breach in the security of the system containing such data, notify anyone whose personal information might have been compromised.

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link www.esd.wa.gov to access the State of Washington Employment Security Department unemployment insurance home page.

➤ **VACATION PAY UPON TERMINATION** ◀

Final wages include vacation pay that is due an employee under a company policy.

➤ **VIOLENCE** ◀

Hospitals; home health, hospice, and home care agencies; evaluation and treatment facilities; and community mental health programs must develop and implement a plan to reasonably prevent and protect employees from violence in the workplace. Additionally, employers must provide violence prevention training to all affected employees on a regular basis.

Domestic violence: Employers must grant reasonable and necessary leave from work, intermittent leave, or reduced schedule leave, with or without pay, for an employee to obtain legal or law enforcement assistance, medical treatment, social services, or counseling; to engage in safety planning or relocation; or to prepare for and attend court proceedings where needed because the employee or a family member is a victim of domestic violence, sexual assault, or stalking. Employers may not discriminate or retaliate against an employee for taking this leave.

➤ **VOTING** ◀

Employers must arrange work schedules so that each employee has a reasonable amount of time — up to two hours — to vote if the employee would not otherwise have two hours free (not including meal or rest breaks) to vote while the polls are open. The provision does not apply if an employee has time to secure an absentee ballot after he/she has learned of the work schedule for Election Day.

Wages: Leave will be paid.

➤ **WAGE DEDUCTIONS** ◀

Deductions under state or federal law or on the authorization of the employee, and deductions involving no benefit to the employer for medical, surgical, or hospital care are lawful.

➤ **WAGE GARNISHMENT** ◀

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 35 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld. Employers may not discharge an employee for any single indebtedness, but may discharge an employee for garnishments for three unrelated debts within 12 consecutive months.

➤ **WAGE PAYMENT ON TERMINATION** ◀

Employee who quits: Next payday.

Employee who's fired: Next payday.

➤ **WAGE PAYMENTS** ◀

Payday requirements: At least monthly.

Direct deposit: Employers may require employees to be paid electronically if employee incurs no expense.

Salary disclosures: Employers may not require employees to sign waivers or other documents that prevent them from disclosing their wages to other employees.

Employers are prohibited from firing or retaliating against employees who inquire about, disclose, compare, or discuss their own wages or the wages of other employees; who ask their employers to provide a reason for their wages or lack of employment opportunities; or aid or encourage employees to exercise these rights.

Employers are prohibited from firing or discriminating against employees who file wage-related complaints with the state labor department.

➤ **WHISTLEBLOWING** ◀

Employers may not directly or indirectly use their official authority or influence to intimidate, threaten, coerce, or command individuals so as to interfere with their rights to disclose information concerning improper governmental actions to the state auditor or other public official.

Note: Amendments and additions to Washington state whistleblower protections emphasize that it is state policy to encourage public employees to disclose improper governmental actions to the extent not expressly prohibited by law, and it is the intent of the legislature to protect the rights of employees making these disclosures in good faith.

Employers may not subject a whistleblower to workplace reprisal or retaliatory action. A whistleblower is defined as an employee who reports, or is perceived to have reported, alleged improper governmental action to the auditor or other public official in good faith; an employee who provides information in good faith to the auditor or other public official in connection with an investigation, or is perceived as having done so; or an employee who identifies in good faith, or is believed to have identified, rules warranting review. The identity or identifying characteristics of a whistleblower shall be kept confidential at all times, unless the whistleblower signs a written waiver or acknowledges his/her identity in a retaliation claim.

Washington law also specifies that it is unlawful for employers or other persons to discharge, expel, or otherwise discriminate against individuals for opposing practices forbidden under Washington's Law Against Discrimination, or because individuals file a charge, testify, or assist in a proceeding under the Law Against Discrimination.

➤ **WORK AUTHORIZATION** ◀

No general provision.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link www.lni.wa.gov/ to access the Washington State Department of Labor and Industries home page. For Workers' Compensation information for businesses, click on www.lni.wa.gov/main/ForBusiness.asp.