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**HOUSE BILL 1128**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Fosse, Stonier, Berry, Bronoske, Davis, Taylor, Wylie, Nance, Pollet, Ormsby, Scott, Mena, Doglio, Alvarado, Berg, Peterson, Goodman, Reeves, Reed, Parshley, Stearns, Slatter, Simmons, Cortes, Ramel, Ryu, Timmons, Hackney, Kloba, Callan, Farivar, and Ortiz-Self

Prefiled 12/23/24.

1 AN ACT Relating to establishing a child care workforce standards  
2 board; and adding a new chapter to Title 49 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the  
5 following:

6 (a) High quality child care and early learning enable parents to  
7 go to work, keeping the economy going at all levels and returning six  
8 dollars in value for every one dollar invested. High quality early  
9 learning services help prepare children for success in school and in  
10 life. A high quality child care and early learning system depends on  
11 a thriving, healthy, and competitively compensated workforce. Current  
12 conditions for child care workers have resulted in lack of access,  
13 unaffordable prices, and poorer outcomes for children and families;

14 (b) Low compensation and poor working conditions impair the  
15 health, efficiency, and well-being of persons employed to provide  
16 child care, constitute unfair competition against other employers and  
17 their employees, threaten the stability of the child care market,  
18 create economic instability for providers, and result in a provider  
19 workforce that must rely in public and private assistance to support  
20 their own families;

1 (c) The fissured nature of child care workplaces exacerbates  
2 these conditions and create barriers preventing workers from being  
3 able to address these problems on their own; and

4 (d) Employment under these conditions threatens the health and  
5 well-being of the people of Washington and injures the overall  
6 economy.

7 (2) Therefore, it is the declared policy of the state that such  
8 working conditions for child care workers be eliminated as rapidly as  
9 practicable through establishment of a workforce standards board  
10 comprised of employer and worker representatives and state agency  
11 representatives to set minimum compensation and other employment  
12 standards.

13 (3) To ensure the state's policy goals are achieved, it is  
14 essential that child care workers are informed of their rights at  
15 work and under this act; are encouraged and able to freely  
16 participate in standard setting through the workforce standards board  
17 process; and are protected against any retaliation for such  
18 participation.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply  
20 throughout this chapter unless the context clearly requires  
21 otherwise.

22 (1) "Board" means the Washington state child care workforce  
23 standards board established pursuant to this chapter.

24 (2) "Certified worker organization" means a worker organization  
25 that is certified by the board as qualified to conduct worker  
26 trainings for the purposes of this chapter.

27 (3) "Child care employer" means any employer of child care  
28 workers.

29 (4) "Child care worker" means any worker providing child care  
30 services, excluding administrative staff. "Child care worker"  
31 includes family child care providers as defined in RCW 41.56.030.

32 (5) "Department" means the department of labor and industries.

33 (6) "Director" means the director of the department of labor and  
34 industries or the director's designee.

35 (7) "Employer organization" means:

36 (a) An organization that is exempt from federal income taxation  
37 under section 510(c)(6) of the internal revenue code that represents  
38 child care employers; or

1 (b) An entity that employers, who together employ the largest  
2 number of child care workers in Washington, have selected as a  
3 representative.

4 (8) "Worker organization" means a worker organization exempt from  
5 federal income taxation under section 501(c)(3), (4), or (5) of the  
6 internal revenue code, that is not dominated or interfered with by  
7 any child care employer within the meaning of United States Code,  
8 Title 29, section 158a(2), and that has a minimum of five years  
9 demonstrated experience engaging with and advocating for employment  
10 standards for child care workers.

11 NEW SECTION. **Sec. 3.** (1) The Washington state childcare  
12 workforce standards board is created with the powers and duties  
13 established by law. The board is composed of members appointed by the  
14 governor as provided in this subsection:

15 (a) Three members who represent child care workers, at least one  
16 of whom must be appointed from a list of at least three names  
17 submitted by the largest organization representing family child care  
18 providers and at least one of whom must be appointed from a list of  
19 at least three names submitted by the largest organization  
20 representing child care center workers;

21 (b) Three members who represent child care employers or employer  
22 organizations, with at least one representing child care family home  
23 providers;

24 (c) One representative of a professional development or training  
25 program for child care workers;

26 (d) One representative of an organization representing parents;  
27 and

28 (e) The secretary of the department of children, youth, and  
29 families and the director of the department of labor and industries,  
30 or their designees.

31 (2) Board members appointed under subsection(1)(a) or (b) of this  
32 section shall serve four-year terms following the initial staggered  
33 lot determination in subsection (3) of this section and must not be  
34 appointed to more than two full consecutive four-year terms. The  
35 governor shall fill vacancies occurring prior to the expiration of a  
36 member's term by appointment for the unexpired term. A member serves  
37 until a successor is appointed.

38 (3)(a) The governor must make initial appointments to the board  
39 no later than September 1, 2025. The initial terms for board members

1 appointed under subsection (1)(a) and (b) of this section must be  
2 determined by lot as follows:

3 (i) One member appointed under subsection (1)(a) and (b) of this  
4 section shall serve a two-year term;

5 (ii) One member appointed under subsection (1)(a) and (b) of this  
6 section shall serve a three-year term; and

7 (iii) One member appointed under subsection (1)(a) and (b) of  
8 this section shall serve a four-year term.

9 (b) The director must convene the first meeting of the board by  
10 October 1, 2025. The board must elect a chair at its first meeting.

11 (4) The board shall elect a member by majority vote to serve as  
12 its chairperson and shall determine the term to be served by the  
13 chairperson.

14 (5) Board members must be compensated in accordance with RCW  
15 43.03.220 and must be reimbursed for travel expenses as provided in  
16 RCW 43.03.050 and 43.03.060.

17 (6) The affirmative vote of five board members is required for  
18 the board to take any action, including actions necessary to  
19 establish minimum child care employment standards under section 4 of  
20 this act.

21 (7) To carry out its duties, the board shall hold public hearings  
22 on, and conduct investigations into, working conditions in the child  
23 care industry in accordance with section 4 of this act.

24 (8) The director may employ personnel to carry out duties of the  
25 board under this chapter.

26 (9) The director shall provide administrative staff support to  
27 the board.

28 (10) The department may adopt new rules to implement or enforce  
29 this chapter.

30 (11) The board shall establish operating procedures that meet all  
31 state and federal antitrust requirements and may prohibit board  
32 member access to data to meet the requirements of this subsection.

33 (12) The board is subject to the requirements of chapters 34.05  
34 and 42.56 RCW.

35 NEW SECTION. **Sec. 4.** (1)(a) The board must adopt rules  
36 establishing minimum child care employment standards that are  
37 reasonably necessary and appropriate to protect the health and safety  
38 of child care workers, to ensure that child care workers are properly  
39 trained about and fully informed of their rights under this chapter,

1 and to otherwise satisfy the purposes of this act. Standards  
2 established by the board must include, as appropriate, standards on  
3 compensation and other working conditions for child care workers. In  
4 establishing standards under this section, the board must establish  
5 statewide standards and may adopt standards that apply to specific  
6 child care occupations.

7 (b) The board may not adopt standards regarding licensing of  
8 child care facilities. The board may not adopt standards that are  
9 less protective of or beneficial to child care workers as any other  
10 applicable statute or rule or any standard previously established by  
11 the board unless there is a determination by the board under  
12 subsection (2)(c) or (d) of this section.

13 (c) The board must adopt rules establishing initial standards for  
14 wages for child care workers no later than August 1, 2026. The board  
15 shall consult with the department in the development of these  
16 standards prior to beginning the rule adoption process.

17 (d) To the extent that any minimum standards that the board finds  
18 are reasonably necessary and appropriate to protect the health and  
19 safety of child care workers fall within the jurisdiction of chapter  
20 49.17 RCW, the board shall not adopt rules establishing the standards  
21 but shall instead recommend the occupational health and safety  
22 standards to the director. The director shall initiate rule making  
23 under chapter 49.17 RCW on child care health and safety standards as  
24 recommended by the board, unless the director determines that the  
25 recommended standard is outside the statutory authority of the  
26 department, is already covered under existing standards, presents  
27 enforceability challenges, is infeasible to implement, or is  
28 otherwise unlawful and issues a written explanation of this  
29 determination.

30 (2)(a) The board must investigate market conditions and the  
31 existing wages, benefits, and working conditions of child care  
32 workers for specific geographic areas of the state and specific child  
33 care occupations. Based on this information, the board must seek to  
34 adopt minimum child care employment standards that meet or exceed  
35 existing industry conditions for a majority of child care workers in  
36 the relevant geographic area and child care occupation. Except as  
37 provided in (c) and (d) of this subsection, initial employment  
38 standards established by the board are effective beginning January 1,  
39 2027, and remain in effect until any subsequent standards are adopted  
40 by rules.

1 (b) The board must consider the following types of information in  
2 making determinations that employment standards are reasonably  
3 necessary to protect the health and welfare of child care workers:

4 (i) Wage rate and benefit data collected by or submitted to the  
5 board for child care workers in the relevant geographic area and  
6 child care occupations;

7 (ii) Statements showing wage rates and benefits paid to child  
8 care workers in the relevant geographic area and child care  
9 occupations;

10 (iii) Signed collective bargaining agreements applicable to child  
11 care workers in the relevant geographic area and child care  
12 occupations;

13 (iv) Testimony and information from current and former child care  
14 workers, worker organizations, child care employers, parents of  
15 children currently in child care, and child care organizations;

16 (v) Local minimum employment standards;

17 (vi) Information submitted by or obtained from state and local  
18 government entities, including registries or data regarding employee  
19 training, recruitment, and retention;

20 (vii) Information from a federally approved rate-setting tool for  
21 child care funding; and

22 (viii) Any other information pertinent to establishing minimum  
23 child care employment standards.

24 (c) If the established child care employment standards result in  
25 an increase in costs that exceed any applicable federal payments, the  
26 standards are not effective until an appropriation sufficient to  
27 cover the rate increase is obtained.

28 (d) If the established child care employment standards result in  
29 an increase in costs for services covered under RCW 41.56.028, the  
30 standards are not effective until the legislature appropriates  
31 funding sufficient to cover the increase in costs.

32 (3) At least once every four years, the board shall:

33 (a) Conduct a full review of the adequacy of the minimum child  
34 care employment standards previously established by the board; and

35 (b) Following that review, adopt new rules, amend or repeal  
36 existing rules, or make recommendations to adopt new rules or amend  
37 or repeal existing rules for minimum child care employment standards,  
38 as appropriate to meet the purposes of this act.

39 (4) (a) In the event of a conflict between a standard established  
40 by the board in rule and a rule adopted by another state agency, the

1 rule adopted by the board applies to child care workers and child  
2 care employers.

3 (b) Notwithstanding (a) of this subsection, in the event of a  
4 conflict between a standard established by the board in rule and a  
5 rule adopted by another state agency, the rule adopted by the other  
6 state agency applies to child care workers and child care employers  
7 if the rule adopted by the other state agency is adopted after the  
8 board's standard and the rule adopted by the other state agency is  
9 more protective or beneficial than the board's standard.

10 (c) Notwithstanding (a) of this subsection, if the secretary of  
11 the department of children, youth, and families determines that a  
12 standard established by the board in rule or recommended by the board  
13 conflicts with requirements in federal regulations for child care  
14 certification or with state statutes or rules governing licensure of  
15 child care employers, the federal regulations or state child care  
16 licensure statutes or rules take precedence, and the conflicting  
17 board standard or rule does not apply to child care workers or child  
18 care employers. The secretary is required to provide a written  
19 explanation of the rule or recommendation and how it conflicts with  
20 the federal regulations.

21 (5) Nothing in this act may be construed to:

22 (a) Limit the rights of parties to a collective bargaining  
23 agreement to bargain and agree with respect to child care employment  
24 standards; or

25 (b) Diminish the obligation of a child care employer to comply  
26 with any contract, collective bargaining agreement, or employment  
27 benefit program or plan that meets or exceeds, and does not conflict  
28 with, the minimum standards and requirements established by the board  
29 under this chapter.

30 NEW SECTION. **Sec. 5.** (1) The board must certify worker  
31 organizations that it finds are qualified to provide training to  
32 childcare workers according to this section. The board shall by rule  
33 establish certification criteria that a worker organization must meet  
34 in order to be certified and provide a process for renewal of  
35 certification upon the board's review of the worker organization's  
36 compliance with this section. The criteria must ensure that a worker  
37 organization, if certified, is able to provide:

38 (a) Effective, interactive training on the information required  
39 by this section; and

1 (b) Follow-up written materials and responses to inquiries from  
2 child care workers in the four languages most commonly spoken by  
3 child care workers in the state.

4 (2)(a) The board shall establish requirements for the curriculum  
5 for the child care worker training required by this section. A  
6 curriculum must at least provide the following information to child  
7 care workers:

8 (i) The applicable compensation and working conditions in the  
9 minimum standards or local minimum standards established by the  
10 board;

11 (ii) The antiretaliation protections established in sections 7  
12 and 8 of this act;

13 (iii) Information on how to enforce this act and on how to report  
14 violations of this act or of standards established by the board,  
15 including contact information for the department, the board, and any  
16 local enforcement agencies, and information on the remedies available  
17 for violations;

18 (iv) The purposes and functions of the board and information on  
19 upcoming hearings, investigations, or other opportunities for child  
20 care workers to become involved in board proceedings;

21 (v) Other rights, duties, and obligations under this chapter;

22 (vi) Any updates or changes to the information provided according  
23 to subsection (2) of this section since the most recent training  
24 session;

25 (vii) Any other information the board deems appropriate to  
26 facilitate compliance with this act; and

27 (viii) Information on labor standards in other applicable local,  
28 state, and federal laws, rules, and ordinances regarding child care  
29 working conditions or child care worker health and safety.

30 (b) Before establishing initial curriculum requirements, the  
31 board must hold at least one public hearing to solicit input on the  
32 requirements.

33 (3) A certified worker organization is not required to cover all  
34 of the topics listed in subsection (2) of this section in a single  
35 training session. A curriculum used by a certified worker  
36 organization may provide instruction on each topic listed in  
37 subsection (2) of this section over the course of up to three  
38 training sessions.

39 (4) The board must review the adequacy of its curriculum  
40 requirements at least annually and must revise the requirements as



1 appropriate to meet the purposes of this act. As part of each annual  
2 review of the curriculum requirements, the board must hold at least  
3 one public hearing to solicit input on the requirements.

4 (5) A certified worker organization:

5 (a) Must use a curriculum for its training sessions that meets  
6 requirements established by the board;

7 (b) Must provide trainings that are interactive and conducted in  
8 the languages in which the attending child care workers are  
9 proficient;

10 (c) Must, at the end of each training session, provide attending  
11 child care workers with follow-up written or electronic materials on  
12 the topics covered in the training session, in order to fully inform  
13 child care workers of their rights and opportunities under this  
14 chapter;

15 (d) Must make itself reasonably available to respond to inquiries  
16 from child care workers during and after training sessions; and

17 (e) May conduct surveys of child care workers who attend a  
18 training session to assess the effectiveness of the training session  
19 and industry compliance with this act and other applicable laws,  
20 rules, and ordinances governing child care working conditions or  
21 worker health and safety.

22 (6)(a) A child care employer must ensure that every two years  
23 each of its child care workers completes one hour of training that  
24 meets the requirements of this section and is provided by a certified  
25 worker organization. The child care employer must certify its  
26 compliance with this subsection to the board. A child care employer  
27 may, but is not required to, host training sessions on their  
28 premises.

29 (b) If requested by a certified worker organization, a child care  
30 employer must, after a training session provided by the certified  
31 worker organization, provide the certified worker organization with  
32 the names and contact information of the child care workers who  
33 attended the training session, unless a child care worker opts out  
34 according to (c) of this subsection.

35 (c) A child care worker may opt out of having the worker's child  
36 care employer provide the worker's name and contact information to a  
37 certified worker organization that provided a training session  
38 attended by the worker by submitting a written statement to that  
39 effect to the child care employer.

1 (7) A child care employer must compensate its child care workers  
2 at their regular hourly rate of wages and benefits for each hour of  
3 training completed as required by this section and reimburse any  
4 travel expenses if the training sessions are not held on their  
5 premises.

6 NEW SECTION. **Sec. 6.** (1)(a) Child care employers must provide  
7 notices informing child care workers of the rights and obligations  
8 provided under this chapter of applicable minimum child care  
9 employment standards and local minimum standards and that for  
10 assistance and information, child care workers should contact the  
11 department. A child care employer must provide notice using the same  
12 means that the child care employer uses to provide other work-related  
13 notices to child care workers. Provision of notice must be at least  
14 as conspicuous as:

15 (i) Posting a copy of the notice at each work site where child  
16 care workers work and where the notice may be readily seen and  
17 reviewed by all child care workers working at the site; or

18 (ii) Providing a paper or electronic copy of the notice to all  
19 child care workers and applicants for employment as a child care  
20 worker.

21 (b) The notice required by this section must include text  
22 provided by the board that informs child care workers that they may  
23 request the notice to be provided in a particular language. The child  
24 care employer must provide the notice in the language requested by  
25 the child care worker. The board must assist child care employers in  
26 translating the notice in the four languages most commonly spoken by  
27 child care workers in the state.

28 (2) The board must adopt rules specifying the minimum content and  
29 posting requirements for the notices required in this section. The  
30 board must make available to child care employers a template or  
31 sample notice that satisfies the requirements of this section and  
32 rules adopted under this section.

33 NEW SECTION. **Sec. 7.** (1) A child care employer may not  
34 discharge, discipline, penalize, interfere with, threaten, restrain,  
35 coerce, or otherwise retaliate or discriminate against a child care  
36 worker because the person has exercised or attempted to exercise  
37 rights protected under this act, including but not limited to:

1 (a) Exercising any right afforded to the child care worker under  
2 this act;

3 (b) Participating in any process or proceeding under this act  
4 including, but not limited to, board hearings, board or department  
5 investigations, or other related proceedings;

6 (c) Communicating with other child care workers or participating  
7 in activities with a worker organization regarding matters covered  
8 under this act; or

9 (d) Attending or participating in the training required by  
10 section 5 of this act.

11 (2) It is unlawful for an employer to:

12 (a) Inform another employer that a child care worker or former  
13 child care worker has engaged in activities protected under this  
14 chapter; or

15 (b) Report or threaten to report the actual or suspected  
16 citizenship or immigration status of a child care worker, former  
17 child care worker, or family member of a child care worker to a  
18 federal, state, or local agency for exercising or attempting to  
19 exercise any right protected under this act.

20 (3) (a) If a child care employer takes adverse action against an  
21 employee or a former employee within 90 days of the employee engaging  
22 or attempting to engage in activities protected by this chapter,  
23 there is a rebuttable presumption that the adverse action is a  
24 retaliatory action in violation of this section.

25 (b) The presumption may be rebutted by a preponderance of  
26 evidence that:

27 (i) The action was taken for other permissible reasons; and  
28 (ii) The engaging or attempting to engage in activities protected  
29 by this chapter was not one of the substantial motivating factors in  
30 the adverse action.

31 (4) A person found to have experienced retaliation in violation  
32 of this section is entitled to back pay and reinstatement to the  
33 person's previous position, wages, benefits, hours, and other  
34 conditions of employment.

35 (5) The department must carry out and enforce the provisions of  
36 this section pursuant to procedures established under chapter 49.46  
37 RCW and any applicable rules. The department may adopt new rules to  
38 implement or enforce this section.

1        NEW SECTION.    **Sec. 8.**    (1) Except as provided in section 4(4) (b)  
2 and (c) of this act, the minimum wages and other working conditions  
3 established by the board in rule as minimum child care employment  
4 standards are the minimum wages and standard conditions of labor for  
5 child care workers or a subgroup of child care workers as a matter of  
6 state law. Except as provided in section 4(4) (b) and (c) of this  
7 act, it is unlawful for a child care employer to employ a child care  
8 worker for lower wages than those established as the minimum child  
9 care employment standards or under any other working conditions that  
10 violate the minimum child care employment standards.

11        (2) The director may investigate possible violations of this  
12 chapter or of the minimum child care employment standards established  
13 by the board whenever it has cause to believe that a violation has  
14 occurred, either on the basis of a report of a suspected violation or  
15 on the basis of any other credible information, including violations  
16 found during the course of an investigation.

17        (3) (a) One or more child care workers deeming themselves to be  
18 injured by any act in violation of this chapter has a civil action in  
19 a court of competent jurisdiction to enjoin further violations, to  
20 obtain reinstatement, to recover the actual damages sustained by the  
21 person, together with the cost of suit including reasonable attorney  
22 fees.

23        (b) A child care worker found to have experienced retaliation in  
24 violation of section 7 of this act is entitled to back pay and  
25 reinstatement to the worker's previous position, wages, benefits,  
26 hours, and other conditions of employment. Filing a civil action  
27 under this subsection terminates the director's processing of the  
28 complaint under section 7 of this act.

29        (c) An agreement between a child care employer and child care  
30 worker or labor union that fails to meet the minimum standards and  
31 requirements in this chapter or established by the board is not a  
32 defense to an action brought under this subsection.

33        NEW SECTION.    **Sec. 9.**    This act may be known and cited as the  
34 child care workforce standards board act.

35        NEW SECTION.    **Sec. 10.**    Sections 1 through 9 of this act  
36 constitute a new chapter in Title 49 RCW.

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