
SUBSTITUTE HOUSE BILL 1097

State of Washington

67th Legislature

2021 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier, and Macri; by request of Office of the Governor)

READ FIRST TIME 02/09/21.

1 AN ACT Relating to increasing worker protections; amending RCW
2 49.17.130, 49.17.140, 49.17.160, and 49.17.180; adding a new section
3 to chapter 51.04 RCW; creating a new section; prescribing penalties;
4 and providing an effective date.

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

6 **Sec. 1.** RCW 49.17.130 and 2010 c 8 s 12012 are each amended to
7 read as follows:

8 (1) If upon inspection or investigation, the director, or his or
9 her authorized representative, believes that an employer has violated
10 a requirement of RCW 49.17.060, or any safety or health standard
11 promulgated by rules of the department, or any conditions of an order
12 granting a variance, which violation is such that a danger exists
13 from which there is a substantial probability that death or serious
14 physical harm could result to any employee, the director or his or
15 her authorized representative shall issue a citation and may issue an
16 order immediately restraining any such condition, practice, method,
17 process, or means in the workplace. Any order issued under this
18 section may require such steps to be taken as may be necessary to
19 avoid, correct, or remove such danger and prohibit the employment or
20 presence of any individual in locations or under conditions where
21 such danger exists, except individuals whose presence is necessary to

1 avoid, correct, or remove such danger or to maintain the capacity of
2 a continuous process operation in order that the resumption of normal
3 operations may be had without a complete cessation of operations, or
4 where a cessation of operations is necessary, to permit such to be
5 accomplished in a safe and orderly manner. In addition, if any
6 machine or equipment, or any part thereof, is in violation of a
7 requirement of RCW 49.17.060 or any safety or health standard
8 promulgated by rules of the department, and the operation of such
9 machine or equipment gives rise to a substantial probability that
10 death or serious physical harm could result to any employee, and an
11 order of immediate restraint of the use of such machine or equipment
12 has been issued under this subsection, the use of such machine or
13 equipment is prohibited, and a notice to that effect shall be
14 attached thereto by the director or his or her authorized
15 representative.

16 (2) Whenever the director, or his or her authorized
17 representative, concludes that a condition of employment described in
18 subsection (1) of this section exists in any workplace, he or she
19 shall promptly inform the affected employees and employers of the
20 danger.

21 (3) An employer may contest an order restraining any condition of
22 employment or practice issued under subsection (1) of this section
23 within 10 working days of the effective date of the order by making
24 an application to the superior court of the county wherein such
25 condition of employment or practice exists. Upon the filing of any
26 such petition, the superior courts of the state of Washington shall
27 have jurisdiction to grant appropriate relief.

28 (4) At any time that a citation or a citation and order
29 restraining any condition of employment or practice described in
30 subsection (1) of this section is issued by the director, or his or
31 her authorized representative, he or she may in addition request the
32 attorney general to make an application to the superior court of the
33 county wherein such condition of employment or practice exists for a
34 temporary restraining order or such other relief as appears to be
35 appropriate under the circumstances.

36 **Sec. 2.** RCW 49.17.140 and 2017 c 13 s 1 are each amended to read
37 as follows:

38 (1) If after an inspection or investigation the director or the
39 director's authorized representative issues a citation under the

1 authority of RCW 49.17.120 or 49.17.130, the department, within a
2 reasonable time after the termination of such inspection or
3 investigation, shall notify the employer using a method by which the
4 mailing can be tracked or the delivery can be confirmed of the
5 penalty to be assessed under the authority of RCW 49.17.180 and shall
6 state that the employer has fifteen working days within which to
7 notify the director that the employer wishes to appeal the citation
8 or assessment of penalty. If, within fifteen working days from the
9 communication of the notice issued by the director the employer fails
10 to notify the director that the employer intends to appeal the
11 citation or assessment penalty, and no notice is filed by any
12 employee or representative of employees under subsection ~~((3))~~ (4)
13 of this section within such time, the citation and the assessment
14 shall be deemed a final order of the department and not subject to
15 review by any court or agency.

16 (2) If the director has reason to believe that an employer has
17 failed to correct a violation for which the employer was previously
18 cited and which has become a final order, the director shall notify
19 the employer using a method by which the mailing can be tracked or
20 the delivery can be confirmed of such failure to correct the
21 violation and of the penalty to be assessed under RCW 49.17.180 by
22 reason of such failure, and shall state that the employer has fifteen
23 working days from the communication of such notification and
24 assessment of penalty to notify the director that the employer wishes
25 to appeal the director's notification of the assessment of penalty.
26 If, within fifteen working days from the receipt of notification
27 issued by the director the employer fails to notify the director that
28 the employer intends to appeal the notification of assessment of
29 penalty, the notification and assessment of penalty shall be deemed a
30 final order of the department and not subject to review by any court
31 or agency.

32 (3) If the director has reason to believe that an employer
33 violated an order immediately restraining a condition, practice,
34 method, process, or means in the workplace issued under RCW 49.17.130
35 or this section or a notice prohibiting the use of a machine or
36 equipment to which a notice prohibiting such use has been attached,
37 the director shall notify the employer using a method by which the
38 mailing can be tracked or the delivery can be confirmed of such
39 violation of the order and of the penalty to be assessed under RCW
40 49.17.180 by reason of violation of the order and shall state that

1 the employer has 15 working days from the communication of such
2 notification and assessment of penalty to notify the director that
3 the employer wishes to appeal the director's notification of the
4 assessment of penalty. If, within 15 working days from the receipt of
5 notification issued by the director the employer fails to notify the
6 director that the employer intends to appeal the notification of
7 assessment of penalty, the notification and assessment of penalty
8 shall be deemed a final order of the department and not subject to
9 review by any court or agency.

10 (4) If any employer notifies the director that the employer
11 intends to appeal the citation issued under either RCW 49.17.120 or
12 49.17.130 or notification of the assessment of a penalty issued under
13 subsections (1) or (2) of this section, or if, within fifteen working
14 days from the issuance of a citation under either RCW 49.17.120 or
15 49.17.130 any employee or representative of employees files a notice
16 with the director alleging that the period of time fixed in the
17 citation for the abatement of the violation is unreasonable, the
18 director may reassume jurisdiction over the entire matter, or any
19 portion thereof upon which notice of intention to appeal has been
20 filed with the director pursuant to this subsection. If the director
21 reassumes jurisdiction of all or any portion of the matter upon which
22 notice of appeal has been filed with the director, any
23 redetermination shall be completed and corrective notices of
24 assessment of penalty, citations, or revised periods of abatement
25 completed within a period of thirty working days. The thirty-working-
26 day redetermination period may be extended up to forty-five
27 additional working days upon agreement of all parties to the appeal.
28 The redetermination shall then become final subject to direct appeal
29 to the board of industrial insurance appeals within fifteen working
30 days of such redetermination with service of notice of appeal upon
31 the director. In the event that the director does not reassume
32 jurisdiction as provided in this subsection, the director shall
33 promptly notify the state board of industrial insurance appeals of
34 all notifications of intention to appeal any such citations, any such
35 notices of assessment of penalty and any employee or representative
36 of employees notice of intention to appeal the period of time fixed
37 for abatement of a violation and in addition certify a full copy of
38 the record in such appeal matters to the board. The director shall
39 adopt rules of procedure for the reassumption of jurisdiction under
40 this subsection affording employers, employees, and employee

1 representatives notice of the reassumption of jurisdiction by the
2 director, and an opportunity to object or support the reassumption of
3 jurisdiction, either in writing or orally at an informal conference
4 to be held prior to the expiration of the redetermination period.
5 Except as otherwise provided under subsection (~~(4)~~) (5) of this
6 section, a notice of appeal filed under this section shall stay the
7 effectiveness of any citation or notice of the assessment of a
8 penalty pending review by the board of industrial insurance appeals,
9 but such appeal shall not stay the effectiveness of any order of
10 immediate restraint issued by the director under the authority of RCW
11 49.17.130. The board of industrial insurance appeals shall afford an
12 opportunity for a hearing in the case of each such appellant and the
13 department shall be represented in such hearing by the attorney
14 general and the board shall in addition provide affected employees or
15 authorized representatives of affected employees an opportunity to
16 participate as parties to hearings under this subsection. The board
17 shall thereafter make disposition of the issues in accordance with
18 procedures relative to contested cases appealed to the state board of
19 industrial insurance appeals.

20 Upon application by an employer showing that a good faith effort
21 to comply with the abatement requirements of a citation has been made
22 and that the abatement has not been completed because of factors
23 beyond the employer's control, the director after affording an
24 opportunity for a hearing shall issue an order affirming or modifying
25 the abatement requirements in such citation.

26 (~~(4)~~) (5) An appeal of any violation classified and cited as
27 serious, willful, repeated serious violation, or failure to abate a
28 serious violation does not stay abatement dates and requirements
29 except as follows:

30 (a) An employer may request a stay of abatement for any serious,
31 willful, repeated serious violation, or failure to abate a serious
32 violation in a notice of appeal under subsection (~~(3)~~) (4) of this
33 section;

34 (b) When the director reassumes jurisdiction of an appeal under
35 subsection (~~(3)~~) (4) of this section, it will include the stay of
36 abatement request. The issued redetermination decision will include a
37 decision on the stay of abatement request. The department shall stay
38 the abatement for any serious, willful, repeated serious violation,
39 or failure to abate a serious violation where the department cannot
40 determine that the preliminary evidence shows a substantial

1 probability of death or serious physical harm to workers. The
2 decision on stay of abatement will be final unless the employer
3 renews the request for a stay of abatement in any direct appeal of
4 the redetermination to the board of industrial insurance appeals
5 under subsection ~~((+3+))~~ (4) of this section;

6 (c) The board of industrial insurance appeals shall adopt rules
7 necessary for conducting an expedited review on any stay of abatement
8 requests identified in the employer's notice of appeal, and shall
9 issue a final decision within forty-five working days of the board's
10 notice of filing of appeal. This rule making shall be initiated in
11 2011;

12 (d) Affected employees or their representatives must be afforded
13 an opportunity to participate as parties in an expedited review for
14 stay of abatement;

15 (e) The board shall grant a stay of an abatement for a serious,
16 willful, repeated serious violation, or failure to abate a serious
17 violation where there is good cause for a stay unless based on the
18 preliminary evidence it is more likely than not that a stay would
19 result in death or serious physical harm to a worker;

20 (f) As long as a motion to stay abatement is pending all
21 abatement requirements will be stayed.

22 ~~((+5+))~~ (6) When the board of industrial insurance appeals denies
23 a stay of abatement and abatement is required while the appeal is
24 adjudicated, the abatement process must be the same process as the
25 process required for abatement upon a final order.

26 ~~((+6+))~~ (7) The department shall develop rules necessary to
27 implement subsections ~~((+4+and))~~ (5) and (6) of this section. In an
28 application for a stay of abatement, the department will not grant a
29 stay when it can determine that the preliminary evidence shows a
30 substantial probability of death or serious physical harm to workers.
31 The board will not grant a stay where based on the preliminary
32 evidence it is more likely than not that a stay would result in death
33 or serious physical harm to a worker. This rule making shall be
34 initiated in 2011.

35 **Sec. 3.** RCW 49.17.160 and 2010 c 8 s 12013 are each amended to
36 read as follows:

37 (1) (a) No person shall discharge or in any manner discriminate
38 against any employee because such employee has filed any complaint or
39 instituted or caused to be instituted any proceeding under or related

1 to this chapter, or has testified or is about to testify in any such
2 proceeding or because of the exercise by such employee on behalf of
3 himself or herself or others of any right afforded by this chapter.
4 Prohibited discrimination includes a materially adverse action.

5 (b) For purposes of this section, "materially adverse action" is
6 action which would: (i) Deter a reasonable employee from exercising
7 their rights under this chapter; or (ii) have a chilling effect on a
8 reasonable employee's engagement in protected activities.

9 (2) Any employee who believes that he or she has been discharged
10 or otherwise discriminated against by any person in violation of this
11 section may, within (~~(thirty)~~) 90 days after such violation occurs,
12 file a complaint with the director alleging such discrimination.
13 (~~(Upon receipt of such complaint, the director shall cause such~~
14 ~~investigation to be made as he or she deems appropriate. If upon such~~
15 ~~investigation, the director determines that the provisions of this~~
16 ~~section have been violated, he of [or] she shall bring an action in~~
17 ~~the superior court of the county wherein the violation is alleged to~~
18 ~~have occurred against the person or persons who is alleged to have~~
19 ~~violated the provisions of this section. If the director determines~~
20 ~~that the provisions of this section have not been violated, the~~
21 ~~employee may institute the action on his or her own behalf within~~
22 ~~thirty days of such determination. In any such action the superior~~
23 ~~court shall have jurisdiction, for cause shown, to restrain~~
24 ~~violations of subsection (1) of this section and order all~~
25 ~~appropriate relief including rehiring or reinstatement of the~~
26 ~~employee to his or her former position with back pay.~~

27 ~~(3) Within ninety days of the receipt of the complaint filed~~
28 ~~under this section, the director shall notify the complainant of his~~
29 ~~or her determination under subsection (2) of this section.))~~ The
30 department may, at its discretion, extend the time period on
31 recognized equitable principles or due to extenuating circumstances.

32 (3) Within 90 days of the receipt of the complaint filed under
33 this section, the director shall notify the complainant and the
34 employer of his or her determination under subsections (4) and (5) of
35 this section unless the matter is otherwise resolved. The department
36 may extend the period by providing advance written notice to the
37 complainant and the employer setting forth good cause for an
38 extension of the period, and specifying the duration of the
39 extension.

1 (4) (a) If the director determines that the provisions of this
2 section have been violated, the director will issue a citation and
3 notice of assessment describing the violation to the employer,
4 ordering all appropriate relief, and may assess a civil penalty.

5 (b) Appropriate relief may include, but is not limited to, the
6 following:

7 (i) Restoring the complainant to the position of employment held
8 by the complainant when the discrimination occurred, or restoring the
9 complainant to an equivalent position with equivalent employment
10 hours, work schedule, benefits, pay, and other terms and conditions
11 of employment; and

12 (ii) Ordering the employer to make payable to the complainant
13 earnings that the complainant did not receive due to the employer's
14 discriminatory action, including interest of one percent per month on
15 all earnings owed. The earnings and interest owed will be calculated
16 from the first date earnings were owed to the employee.

17 (c) A civil penalty not to exceed the maximum penalty for a
18 serious violation under this chapter may be assessed for the first
19 occurrence. A civil penalty not to exceed the maximum penalty for a
20 repeat violation under this chapter may be assessed for each repeat
21 occurrence. Civil penalties are not contingent upon relief being
22 granted to the worker.

23 (5) If the director finds there is insufficient evidence to
24 determine that the provisions of this section have been violated, the
25 director will issue a letter of closure and the employee may
26 institute the action on his or her own behalf within 30 days of such
27 determination. In any such action the superior court shall have
28 jurisdiction, for cause shown, to restrain violations of subsection
29 (1) of this section and order all appropriate relief including
30 rehiring or reinstatement of the complainant to his or her former
31 position with back pay.

32 (6) The department must notify the employer and the complainant
33 of a citation and notice of assessment issued under subsection (4) of
34 this section using a method by which the mailing can be tracked or
35 the delivery can be confirmed. Citations and notices of assessments
36 shall state that the employer has 15 working days within which to
37 notify the department that the employer wishes to appeal the citation
38 or notice of assessment, and that the complainant has 15 working days
39 within which to notify the department that the complainant wishes to
40 appeal the order of appropriate relief in the notice of assessment.

1 If, within 15 working days from the communication of the notice
2 issued by the director, the employer fails to notify the department
3 that the employer intends to appeal the citation or notice of
4 assessment, and no notice of appeal of the order of appropriate
5 relief is filed by the complainant within such time, the citation and
6 notice of assessment shall be deemed a final order of the department
7 and not subject to review by any court or agency.

8 (7) If an employer or complainant notifies the department of an
9 appeal, the department may reassume jurisdiction according to the
10 timeline, process for hearing, and issuance of corrective notices of
11 redetermination under RCW 49.17.140(4). The redetermination shall
12 become final subject to direct appeal by an employer or complainant
13 to the board of industrial insurance appeals within 15 working days
14 of such redetermination with service of notice of appeal upon the
15 director. In the event that the director does not reassume
16 jurisdiction as provided in this subsection, the director shall
17 promptly notify the state board of industrial insurance appeals of
18 all notifications of intention to appeal the citation and notice of
19 assessment and certify a full copy of the record in such appeal
20 matters to the board. The board of industrial insurance appeals shall
21 afford an opportunity for a hearing in the case of each such
22 appellant and the department shall be represented in such hearing by
23 the attorney general and the board shall in addition provide the
24 complainant an opportunity to participate as a party to hearings of
25 employer appeals under this subsection and provide the employer an
26 opportunity to participate as a party to hearings of complainant
27 appeals under this subsection. The board shall thereafter make
28 disposition of the issues in accordance with procedures relative to
29 contested cases appealed to the state board of industrial insurance
30 appeals. A notice of appeal filed under this section shall stay the
31 effectiveness of any citation or notice of assessment except orders
32 of reinstatement pending review by the board of industrial insurance
33 appeals.

34 (8) Civil penalties imposed under this section shall be paid to
35 the director for deposit in the supplemental pension fund established
36 in RCW 51.44.033.

37 (9) Collections of amounts owed for unpaid citations and notices
38 of assessment will be handled pursuant to the procedures outlined in
39 RCW 51.48.120 through 51.48.150.

1 (10) Nothing in this section diminishes the rights, privileges,
2 or remedies of any employee under any federal or state law or under
3 any collective bargaining agreement. The department and complainant
4 may pursue remedies in superior court that are outside the board of
5 industrial insurance appeals' jurisdiction.

6 **Sec. 4.** RCW 49.17.180 and 2018 c 128 s 1 are each amended to
7 read as follows:

8 (1) Except as provided in RCW 43.05.090, any employer who
9 willfully or repeatedly violates the requirements of RCW 49.17.060,
10 of any safety or health standard adopted under the authority of this
11 chapter, of any existing rule or regulation governing the conditions
12 of employment adopted by the department, or of any order issued
13 granting a variance under RCW 49.17.080 or 49.17.090 may be assessed
14 a civil penalty not to exceed seventy thousand dollars for each
15 violation. However, if the state is required to have a higher maximum
16 penalty to qualify a state plan under the occupational safety and
17 health administration, then the maximum civil penalty is the higher
18 maximum penalty required under the occupational safety and health
19 administration. A minimum penalty of five thousand dollars shall be
20 assessed for a willful violation; unless set to a specific higher
21 amount by the federal occupational safety and health administration
22 and this state is required to equal the higher penalty amount to
23 qualify a state plan.

24 (2) Any employer who has received a citation for a serious
25 violation of the requirements of RCW 49.17.060, of any safety or
26 health standard adopted under the authority of this chapter, of any
27 existing rule or regulation governing the conditions of employment
28 adopted by the department, or of any order issued granting a variance
29 under RCW 49.17.080 or 49.17.090 as determined in accordance with
30 subsection (~~((6))~~) (7) of this section, shall be assessed a civil
31 penalty not to exceed seven thousand dollars for each such violation.
32 However, if the state is required to have a higher maximum penalty to
33 qualify a state plan under the occupational safety and health
34 administration, then the maximum civil penalty is the higher maximum
35 penalty required under the occupational safety and health
36 administration.

37 (3) Any employer who has received a citation for a violation of
38 the requirements of RCW 49.17.060, of any safety or health standard
39 adopted under this chapter, of any existing rule or regulation

1 governing the conditions of employment adopted by the department, or
2 of any order issued granting a variance under RCW 49.17.080 or
3 49.17.090, where such violation is specifically determined not to be
4 of a serious nature as provided in subsection ~~((6))~~ (7) of this
5 section, may be assessed a civil penalty not to exceed seven thousand
6 dollars for each such violation, unless such violation is determined
7 to be de minimis or, if the state is required to have a higher
8 maximum penalty to qualify a state plan under the occupational safety
9 and health administration, then the maximum civil penalty is the
10 higher maximum penalty required under the occupational safety and
11 health administration.

12 (4) Any employer who fails to correct a violation for which a
13 citation has been issued under RCW 49.17.120 or 49.17.130 within the
14 period permitted for its correction, which period shall not begin to
15 run until the date of the final order of the board of industrial
16 insurance appeals in the case of any review proceedings under this
17 chapter initiated by the employer in good faith and not solely for
18 delay or avoidance of penalties, may be assessed a civil penalty of
19 not more than seven thousand dollars for each day during which such
20 failure or violation continues. However, if the state is required to
21 have a higher maximum penalty to qualify a state plan under the
22 occupational safety and health administration, then the maximum civil
23 penalty is the higher maximum penalty required under the occupational
24 safety and health administration.

25 (5) Any employer who has been issued an order immediately
26 restraining a condition, practice, method, process, or means in the
27 workplace, pursuant to RCW 49.17.130 or 49.17.170, and who
28 nevertheless continues such condition, practice, method, process, or
29 means, or who continues to use a machine or equipment or part thereof
30 to which a notice prohibiting such use has been attached, may be
31 assessed a civil penalty of not more than the maximum penalty for a
32 serious violation under this section for each day the employer
33 continues such condition, practice, method, process, or means, or
34 continues to use a machine or equipment or part thereof to which a
35 notice prohibiting such use has been attached.

36 (6) Any employer who violates any of the posting requirements of
37 this chapter, or any of the posting requirements of rules adopted by
38 the department pursuant to this chapter related to employee or
39 employee representative's rights to notice, including but not limited
40 to those employee rights to notice set forth in RCW 49.17.080,

1 49.17.090, 49.17.120, 49.17.130, 49.17.220(1), and 49.17.240(2),
2 shall be assessed a penalty not to exceed seven thousand dollars for
3 each such violation. However, if the state is required to have a
4 higher maximum penalty to qualify a state plan under the occupational
5 safety and health administration, then the maximum civil penalty is
6 the higher maximum penalty required under the occupational safety and
7 health administration. Any employer who violates any of the posting
8 requirements for the posting of informational, educational, or
9 training materials under the authority of RCW 49.17.050(7), may be
10 assessed a penalty not to exceed seven thousand dollars for each such
11 violation. However, if the state is required to have a higher maximum
12 penalty to qualify a state plan under the occupational safety and
13 health administration, then the maximum civil penalty is the higher
14 maximum penalty required under the occupational safety and health
15 administration.

16 ~~((6))~~ (7) For the purposes of this section, a serious violation
17 shall be deemed to exist in a workplace if there is a substantial
18 probability that death or serious physical harm could result from a
19 condition which exists, or from one or more practices, means,
20 methods, operations, or processes which have been adopted or are in
21 use in such workplace, unless the employer did not, and could not
22 with the exercise of reasonable diligence, know of the presence of
23 the violation.

24 ~~((7))~~ (8) The director, or his or her authorized
25 representatives, shall have authority to assess all civil penalties
26 provided in this section, giving due consideration to the
27 appropriateness of the penalty with respect to the number of affected
28 employees of the employer being charged, the gravity of the
29 violation, the size of the employer's business, the good faith of the
30 employer, and the history of previous violations.

31 ~~((8))~~ (9) Civil penalties imposed under this chapter shall be
32 paid to the director for deposit in the supplemental pension fund
33 established by RCW 51.44.033. Civil penalties may be recovered in a
34 civil action in the name of the department brought in the superior
35 court of the county where the violation is alleged to have occurred,
36 or the department may utilize the procedures for collection of civil
37 penalties as set forth in RCW 51.48.120 through 51.48.150.

38 NEW SECTION. **Sec. 5.** A new section is added to chapter 51.04
39 RCW to read as follows:

1 (1) In the event of a state of emergency as defined in RCW
2 43.06.010(12), the director is authorized to expend up to two percent
3 per year of the net premiums earned in the accident fund in the prior
4 fiscal year for the purpose of a safety grant program so long as the
5 assets of the accident fund and pension reserve fund were at least 10
6 percent in excess of their funded liabilities in the fiscal quarter
7 immediately preceding the state of emergency proclamation.

8 (2) The safety grant program shall provide one-time grants to
9 employers to purchase equipment, gear, or make capital improvements
10 so long as the purchase is not covered by another grant, government
11 program, or insurance contract. The department may require matching
12 funds from employers. Employers must apply for grants using an
13 application developed by the department.

14 (3) Employers shall apply the safety grants to purchases of
15 equipment, gear, or capital costs to meet any new safety and health
16 requirements related to the emergency that are required before they
17 are permitted to continue or resume business operations.

18 (4) An appropriation is not required for expenditures under this
19 section.

20 (5) Only employers who pay premiums to the state fund as defined
21 in RCW 51.08.175, are not self-insured as defined in RCW 51.08.173,
22 and have 25 or fewer full-time equivalent employees are eligible for
23 funding under this section.

24 (6) Rules that are adopted to implement this section must be done
25 in consultation with stakeholders. Rules must include but are not
26 limited to:

27 (a) Guidance for grant awards based on the type, scope, and time
28 frame of a specific declared emergency; and

29 (b) Criteria for prioritizing grants for eligible recipients.

30 NEW SECTION. **Sec. 6.** The department of labor and industries may
31 adopt rules as necessary to implement this act.

32 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect July 1,
33 2022.

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