
SUBSTITUTE HOUSE BILL 2100

State of Washington

68th Legislature

2024 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Farivar, Fosse, Berry, Reed, Ormsby, Nance, Reeves, and Pollet)

READ FIRST TIME 01/30/24.

1 AN ACT Relating to reducing the impacts of mass layoffs by
2 identifying demographic disparities and educating employees of relief
3 options; adding new sections to chapter 50.12 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature seeks to determine whether
7 mass layoffs result in a disproportionate dismissal of employees
8 belonging to protected classes and whether certain groups of
9 employees are laid off or terminated more than other groups. The
10 legislature also intends to reduce the impact that mass layoffs have
11 on terminated employees by increasing the ways in which those
12 employees receive information about benefits and programs they may be
13 entitled to or eligible for.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12
15 RCW to read as follows:

16 (1) By October 1, 2024, the department shall develop a mass
17 layoff survey and data collection system that employers subject to 29
18 U.S.C. chapter 23 Sec. 2101, et al., the federal worker adjustment
19 and retraining notification act (WARN act), are required to
20 distribute in accordance with this section.

1 (2) When the department receives a notice under the WARN act from
2 an employer, the department shall inform the employer of the
3 employer's responsibility to provide the survey to impacted
4 employees.

5 (3) At a minimum, the survey must:

6 (a) Contain a brief explanation of the purpose of the survey;

7 (b) Clearly indicate that completing the survey is voluntary;

8 (c) Clearly indicate that completing or not completing the survey
9 does not impact any unemployment benefits or other rights or programs
10 the employee may be entitled to or eligible for; and

11 (d) Be designed to collect demographic data, such as age, gender,
12 race, ethnicity, and other relevant data, anonymously without
13 collecting identifying information of the employee, for the purpose
14 of understanding how individuals from protected classes are impacted.

15 (4) (a) When an employer subject to the WARN act provides
16 employees with a termination notice under the WARN act, the employer
17 must also provide to each employee being terminated the survey
18 created under this section. The employer must provide the survey at
19 no cost to the employee.

20 (b) Employees must be provided at least 30 days to complete and
21 submit the survey. Within 45 days after the employer has provided
22 surveys to impacted employees, the employer must also submit to the
23 department general demographic data, as determined by the department,
24 that the employer has of its entire workforce at the site of the
25 layoff, including employees who are not being terminated.

26 (5) The department shall compile the data received under this
27 section and include demographic data of an employer's mass layoff on
28 the department's online WARN act website.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.12
30 RCW to read as follows:

31 (1) (a) An employer subject to 29 U.S.C. chapter 23 Sec. 2101, et
32 al., the federal worker adjustment and retraining notification act
33 (WARN act), shall provide a rapid response partner reasonable access
34 to employees who receive a notice of termination under the WARN act.
35 The purpose of providing access is to provide a presentation,
36 preferably in person, to employees to assist them in quickly
37 maximizing public and private resources to minimize the disruptions
38 associated with job losses. Resources include transitional services
39 to employees affected by the mass layoff, unemployment insurance

1 information, dislocated worker program services, job seeker services
2 available at the local work source, and retraining services, and
3 other benefits and programs the employee may be entitled to or
4 eligible for.

5 (b) A rapid response partner must be a designee of a local
6 workforce development board established under P.L. 113-128, the
7 workforce innovation and opportunity act.

8 (2) Reasonable access to employees means:

9 (a) The access occurs during the employees' regular working hours
10 at the employees' regular worksite or the employee's customary work
11 location, or at a location mutually agreed to by the employer, the
12 employees' exclusive bargaining representative, if applicable, and
13 the rapid response partner;

14 (b) The time for the presentation is for no less than 90 minutes.

15 (3) No employee may be mandated to attend the rapid response
16 presentation.

17 (4) An employer may agree to longer or more frequent access, but
18 in no case may an employer agree to less access than required by this
19 section.

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