
SUBSTITUTE SENATE BILL 6007

State of Washington

68th Legislature

2024 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Conway, Keiser, Hasegawa, Dhingra, Randall, Saldaña, Liiias, Hunt, Nguyen, Kuderer, Van De Wege, Frame, Nobles, Pedersen, Salomon, Shewmake, Stanford, Trudeau, Valdez, and C. Wilson)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to employment standards for grocery workers;
2 adding a new chapter to Title 49 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) Supermarkets and other grocery
5 retailers are the primary points of distribution for food and other
6 daily necessities for the residents of Washington and are therefore
7 essential to the vitality of every Washington community.

8 (2) The state has a compelling interest in ensuring the welfare
9 of the residents of its communities through the maintenance of health
10 and safety standards in grocery establishments.

11 (3) Experienced grocery retail workers with knowledge of proper
12 sanitation procedures, health regulations and laws, and an
13 experience-based understanding of the clientele and communities in
14 which the retailer is located are essential in furthering this
15 interest and the state's investments in health and safety.

16 (4) A transitional retention period for grocery retail workers
17 upon change of ownership, control, or operation of grocery stores
18 ensures stability throughout the state for these vital workers,
19 which, in turn, results in preservation of health and safety
20 standards.

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

4 (1) "Change in control" means any sale, purchase, assignment,
5 acquisition, transfer, contribution, or other disposition of all or
6 substantially all of the assets, cash on hand, or a controlling
7 interest, including by consolidation, merger, or reorganization, of
8 or by the incumbent grocery employer or any person who controls the
9 incumbent grocery employer or any grocery establishment under the
10 operation or control of either the incumbent grocery employer or any
11 person who controls the incumbent grocery employer.

12 (2) "Eligible grocery worker" means any individual whose primary
13 place of employment is at the grocery establishment subject to a
14 change in control, and who has worked for the incumbent grocery
15 employer for at least six months prior to the execution of the
16 transfer document. "Eligible grocery worker" does not include a
17 managerial, supervisory, or confidential employee.

18 (3) "Employment commencement date" means the date on which an
19 eligible grocery worker retained by the successor grocery employer
20 pursuant to this chapter commences work for the successor grocery
21 employer in exchange for benefits and compensation under the terms
22 and conditions established by the successor grocery employer and as
23 required by law.

24 (4) (a) "Grocery establishment" means a retail store in this state
25 that is over 15,000 square feet in size and that sells primarily
26 household foodstuffs for off-site consumption, including the sale of
27 fresh produce, meats, poultry, fish, deli products, dairy products,
28 canned foods, dry foods, beverages, baked foods, or prepared foods.
29 Other household supplies or other products must be secondary to the
30 primary purpose of food sales.

31 (b) A distribution center owned and operated by a grocery
32 establishment and used primarily to distribute goods to or from its
33 owned stores is considered a grocery establishment, regardless of its
34 square footage.

35 (c) A grocery establishment does not include a retail store that
36 has ceased operations for 12 months or more.

37 (5) "Incumbent grocery employer" means the person that owns,
38 controls, or operates the grocery establishment at the time of the
39 change in control.

1 (6) "Job classification" means a system for categorizing certain
2 duties into certain jobs.

3 (7) "Person" means an individual, corporation, partnership,
4 limited partnership, limited liability partnership, limited liability
5 company, business trust, estate, trust, association, joint venture,
6 agency, instrumentality, or any other legal or commercial entity,
7 whether domestic or foreign.

8 (8) "Successor grocery employer" means the person that owns,
9 controls, or operates the grocery establishment after the change in
10 control. A successor grocery employer may be the same entity as an
11 incumbent employer when a change in control occurs, but the covered
12 employer remains the same.

13 (9) "Transfer document" means the purchase agreement or other
14 document effecting the change in control.

15 NEW SECTION. **Sec. 3.** (1)(a) The incumbent grocery employer
16 must, within 15 days after the execution of the transfer document,
17 provide to the successor grocery employer and any collective
18 bargaining representative the name, address, date of hire, employment
19 occupation classification, and, if known, the cellular telephone
20 number and email address of each eligible grocery worker.

21 (b) If the incumbent grocery employer does not provide the
22 information specified in (a) of this subsection within 15 days, the
23 successor grocery employer may obtain the information from a
24 collective bargaining representative.

25 (2) The successor grocery employer must maintain a preferential
26 hiring list of eligible grocery workers identified by the incumbent
27 grocery employer or collective bargaining representative pursuant to
28 subsection (1) of this section and must hire from that list for a
29 period beginning upon the execution of the transfer document and
30 continuing for 180 days after the grocery establishment is fully
31 operational and open to the public under the successor grocery
32 employer.

33 (3) If the successor grocery employer extends an offer of
34 employment to an eligible grocery worker pursuant to this chapter,
35 the successor grocery employer must retain written verification of
36 that offer for at least three years after the date of the offer. The
37 verification must include the name, address, date of hire, and
38 employment occupation classification of each eligible grocery worker.

1 NEW SECTION. **Sec. 4.** (1) A successor grocery employer must
2 retain each eligible grocery worker hired pursuant to this chapter
3 for at least 180 days after the eligible grocery worker's employment
4 commencement date. During this 180-day transition employment period,
5 eligible grocery workers must be employed under the terms and
6 conditions established by the successor grocery employer and pursuant
7 to the terms of a relevant collective bargaining agreement, if any.

8 (2) If, within the period established in section 3(2) of this
9 act, the successor grocery employer determines that it requires fewer
10 eligible grocery workers than were required by the incumbent grocery
11 employer, the successor grocery employer must retain eligible grocery
12 workers by seniority within each job classification to the extent
13 that comparable job classifications exist or pursuant to the terms of
14 a relevant collective bargaining agreement, if any. Nonclassified
15 eligible grocery workers must be retained by seniority and according
16 to experience, or pursuant to the terms of a relevant collective
17 bargaining agreement, if any.

18 (3) During the 180-day transition employment period, the
19 successor grocery employer may not discharge without cause an
20 eligible grocery worker retained pursuant to this chapter.

21 (4) At the end of the 180-day transition employment period, the
22 successor grocery employer must make a written performance evaluation
23 for each eligible grocery worker retained pursuant to this chapter.
24 If the eligible grocery worker's performance during the 180-day
25 transition employment period is satisfactory, the successor grocery
26 employer must consider offering the eligible grocery worker continued
27 employment under the terms and conditions established by the
28 successor grocery employer and as required by law. The successor
29 grocery employer must retain a record of the written performance
30 evaluation for at least three years.

31 NEW SECTION. **Sec. 5.** (1) This section only applies to a
32 successor grocery employer that, after a change in control, will own,
33 control, or operate 20 or more grocery establishments.

34 (2) Notwithstanding other provisions of this chapter, if a
35 successor grocery employer does not hire an eligible grocery worker
36 following a change in control or does not retain an eligible grocery
37 worker for at least 180 days following the change in control or the
38 eligible grocery worker's employment commencement date, whichever is
39 later, the successor grocery company must, unless the eligible

1 grocery worker has quit or has been discharged for cause, provide the
2 eligible grocery employee a dislocated grocery worker allowance equal
3 to one week of pay for each full year of employment with the
4 incumbent grocery employer. The rate of the dislocated grocery worker
5 allowance will be the average regular rate of compensation received
6 during the eligible grocery worker's last three years of employment
7 with the incumbent grocery employer or the final regular rate of
8 compensation paid to the eligible grocery worker, whichever is
9 higher.

10 (3) The successor grocery employer must provide the greater of
11 the dislocated grocery worker allowance required pursuant to:

12 (a) Subsection (2) of this section; or

13 (b) The terms of a relevant collective bargaining agreement, if
14 any.

15 NEW SECTION. **Sec. 6.** (1) The incumbent grocery employer must
16 post public notice of the change in control at the location of the
17 affected grocery establishment within five business days following
18 the execution of the transfer document. Notice must remain posted
19 during any closure of the grocery establishment and until the grocery
20 establishment is fully operational and open to the public under the
21 successor grocery employer.

22 (2) Notice must include, but is not limited to:

23 (a) The name of the incumbent grocery employer and its contact
24 information;

25 (b) The name of the successor grocery employer and its contact
26 information; and

27 (c) The effective date of the change in control.

28 (3) Notice must be posted in a conspicuous place at the grocery
29 establishment in a manner to be readily viewed by eligible grocery
30 workers and other employees, customers, and members of the public.

31 NEW SECTION. **Sec. 7.** (1) An employer must not refuse to employ,
32 terminate, reduce the compensation of, or otherwise take adverse
33 action against any employee for seeking to enforce the employee's
34 rights under this chapter, including participating in proceedings,
35 opposing any practice prescribed by this chapter, or otherwise
36 asserting rights under this chapter.

37 (2) This section applies to an employee who mistakenly, but in
38 good faith, alleges noncompliance with this chapter.

1 NEW SECTION. **Sec. 8.** (1) An aggrieved employee or an employee
2 representative, such as a collective bargaining representative or
3 nonprofit corporation, may bring an action in the superior court of
4 the state of Washington for violations of this chapter and may be
5 awarded the following:

6 (a) Hiring and reinstatement rights pursuant to this chapter. For
7 violations of the retention provision, the 180-day transition
8 employment period does not commence until the eligible grocery
9 worker's employment commencement date with the successor grocery
10 employer;

11 (b) Front pay or back pay for each day during which the violation
12 continues;

13 (c) The value of the benefits the employee would have received
14 under any benefit plans;

15 (d) Reasonable attorneys' fees and costs to any employee or
16 employee representative who prevails in an enforcement action.

17 (2) Before an employee or an employee representative brings an
18 action in the superior court of the state of Washington for a
19 violation of this chapter, both of the following requirements must be
20 met:

21 (a) The employee has provided written notice to the employer of
22 the provisions of this chapter alleged to have been violated and the
23 facts to support the alleged violation; and

24 (b) The employer has not cured the alleged violation within 30
25 calendar days from receipt of the written notice.

26 NEW SECTION. **Sec. 9.** This chapter does not apply to grocery
27 establishments that will be located in geographic areas designated by
28 the United States department of agriculture as food deserts, based on
29 the original food desert measure contained in the Food Access
30 Research Atlas, provided that both of the following apply:

31 (1) More than six years have elapsed since the most recent
32 grocery establishment was located in the area designated as a food
33 desert; and

34 (2) The grocery establishment stocks and, during normal business
35 hours, sells fresh fruit and vegetables in amounts and of a quality
36 that is comparable to what the establishment sells in its three
37 geographically closest stores, which are located outside of the food
38 desert.

1 NEW SECTION. **Sec. 10.** (1) In the case of a change of control
2 from a merger, a successor grocery employer may not cause a grocery
3 establishment that is located in a geographic area designated by the
4 United States department of agriculture as a food desert to cease
5 being fully operational and open to the public until the
6 establishment provides a written notice to the city council, county
7 council, local health department, and attorney general 180 days
8 before the establishment ceases to be fully operational and open to
9 the public.

10 (2) The notice required by subsection (1) of this section must
11 include both of the following:

12 (a) A written analysis and explanation, including data, of how
13 residents living in the geographic area designated by the United
14 States department of agriculture as a food desert will be able, at
15 comparable costs, including transportation costs, time off work, and
16 child care costs, to purchase food after the establishment ceases
17 being fully operational and open to the public; and

18 (b) A profit and loss statement for the establishment consistent
19 with generally accepted accounting principles for the two years prior
20 to the merger attested to by a responsible officer of the successor
21 employer.

22 NEW SECTION. **Sec. 11.** (1) This chapter does not apply to an
23 incumbent grocery employer and the successor grocery employer
24 executing the transfer document with that incumbent grocery employer,
25 if the sum of both of the following is less than 300:

26 (a) The number of grocery workers employed immediately prior to
27 the change in control by the incumbent grocery employer across that
28 employer's grocery establishments nationwide; and

29 (b) The number of grocery workers employed immediately prior to
30 the change in control by the successor grocery employer across that
31 employer's grocery establishments nationwide.

32 (2) For purposes of this section only, the following definitions
33 apply:

34 (a) "Grocery establishment," as used in this section, has the
35 same meaning as defined in section 2 of this act, but also includes
36 grocery establishments in other states in the United States.

37 (b) "Grocery worker," as used in this section, means any
38 individual whose primary place of employment is at a grocery

1 establishment that is owned, controlled, or operated by the incumbent
2 or successor grocery employer, as applicable.

3 NEW SECTION. **Sec. 12.** This chapter is not to be construed to
4 limit an eligible grocery worker's right to bring legal action for
5 wrongful termination.

6 NEW SECTION. **Sec. 13.** This chapter does not preempt any city,
7 county, or city and county ordinances that provide equal or greater
8 protection to eligible grocery workers.

9 NEW SECTION. **Sec. 14.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act
14 constitute a new chapter in Title 49 RCW.

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