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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Employer organization" means:

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

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

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

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

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

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

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

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

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

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

(3)(a) The governor must make initial appointments to the board no later than September 1, 2025. The initial terms for board members appointed under subsection (1)(a) and (b) of this section must be determined by lot as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  (1)(a) The board must adopt rules establishing minimum child care employment standards that are reasonably necessary and appropriate to protect the health and safety of child care workers, to ensure that child care workers are properly trained about and fully informed of their rights under this chapter, and to otherwise satisfy the purposes of this act. Standards established by the board must include, as appropriate, standards on compensation and other working conditions for child care workers. In establishing standards under this section, the board must establish statewide standards and may adopt standards that apply to specific child care occupations.

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

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

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

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

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

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

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

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

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

(v) Local minimum employment standards;

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

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

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

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

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

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

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

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

(4)(a) In the event of a conflict between a standard established by the board in rule and a rule adopted by another state agency, the rule adopted by the board applies to child care workers and child care employers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The board must review the adequacy of its curriculum requirements at least annually and must revise the requirements as appropriate to meet the purposes of this act. As part of each annual review of the curriculum requirements, the board must hold at least one public hearing to solicit input on the requirements.

(5) A certified worker organization:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) It is unlawful for an employer to:

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

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

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

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

(i) The action was taken for other permissible reasons; and

(ii) The engaging or attempting to engage in activities protected by this chapter was not one of the substantial motivating factors in the adverse action.

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

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

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

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

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

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

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

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

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

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