

ESSB 5998 - H AMD TO H AMD (H-3714.1/26) **2098**

By Representative Schmidt

NOT ADOPTED 02/28/2026

1 On page 315, line 13, after "~~lapse.~~)" insert "The department
2 shall evaluate the appropriateness of applying the provisions of the
3 bill to employers who hire seasonal employees."

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5 On page 546, after line 7, insert the following:

6 "Sec. 931. RCW 49.45.030 and 2025 c 277 s 3 are each amended to
7 read as follows:

8 (1) An employer is not required to comply with the notice
9 requirements under RCW 49.45.020 if:

10 (a)(i) At the time the notice would have been required, the
11 employer was actively seeking capital or business;

12 (ii) The capital or business sought, if obtained, would have
13 enabled the employer to avoid or postpone the business closing or
14 mass layoff; and

15 (iii) The employer reasonably and in good faith believed that
16 giving the notice required by RCW 49.45.020 would have precluded the
17 employer from obtaining the needed capital or business;

18 (b) The mass layoff or business closing is caused by business
19 circumstances that were not reasonably foreseeable at the time the
20 notice would have been required. The unforeseeable business
21 circumstances must be caused by a sudden, dramatic, and unexpected
22 action or condition outside of the employer's control;

23 (c) The mass layoff or business closing is due to a natural
24 disaster, such as a flood, earthquake, drought, storm, tornado, or
25 similar effects of nature; or

26 (d) The mass layoff occurs at:

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1 (i) A construction project and the affected employees were hired
2 with the understanding that their employment was limited to the
3 duration of a particular portion of that construction project; or

4 (ii) A multiemployer construction project and the only affected
5 employees are subject to a full union referral or dispatch system.

6 (2) If an exception under this section applies for only part of
7 the 60-day notice window, notice is required at the time the
8 exception no longer applies. If notice is not provided, the employer
9 is liable for each day notice is not provided pursuant to RCW
10 49.45.040 and 49.45.050.

11 (3) The department may not determine an exception under this
12 section applies unless the employer meets the documentation and
13 other requirements established by the department pursuant to RCW
14 49.45.070.

15 (4) For the purposes of allowing the employment security
16 department to conduct an evaluation as required under section 232 of
17 this act, from the effective date of this section until July 1,
18 2027, an employer is not required to comply with the notice
19 requirements under RCW 49.45.020 if:

20 (a) The nature of the employer's business includes work that
21 necessitates seasonal employment with regular or expected layoffs; and

22 (b) The affected employees were hired for work with the
23 understanding, confirmed in writing at the time of hire, that their
24 employment was limited to the duration of a specific season or time
25 period, and the estimated end date of employment was disclosed in
26 advance based on anticipated completion of the work."

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28 Renumber the remaining sections consecutively and correct any
29 internal references accordingly.

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EFFECT:

- Requires the Employment Security Department (ESD) to evaluate the appropriateness of including employers who hire seasonal employees when the ESD is implementing the statute requiring notices before a mass layoff occurs.

- Provides that, from the effective date of the section until July 1, 2027, the layoff notice requirement does not apply if: (1) the nature of the employer's business includes work that necessitates seasonal employment with regular or expected layoffs; and (2) the affected employees were hired with the written understanding that their employment was limited to the duration of a specific season or time period and the estimated end date of employment was disclosed in advance.

FISCAL IMPACT:

No net change to appropriated levels.

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