

2SHB 2105 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/05/2026

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that immigrant
4 workers contribute to Washington state's strong economy. According to
5 research from the immigration research initiative, immigrants account
6 for 15 percent of the population in Washington state, yet contribute
7 21 percent of economic output, or gross domestic product (GDP).
8 Immigrant workers contribute an estimated \$145,000,000,000 to
9 Washington state's GDP per year.

10 (2) The legislature finds that civil immigration enforcement
11 through workplace raids conducted by the federal government is
12 disruptive to families and communities, reduces community safety, and
13 is ineffective at deterring illegal conduct by employers or raising
14 standards for workers.

15 (3) The legislature finds that employers could benefit from
16 clarity about their rights and responsibilities when engaging with
17 federal agencies that conduct form I-9 inspections. The legislature
18 seeks to provide resources and support to employers about their
19 rights and the rights of their workers.

20 (4) The legislature finds that protecting Washingtonians who are
21 abiding by our state laws and keeping families together is an urgent
22 statewide priority.

23 (5) The legislature therefore intends to require Washington
24 employers to provide notice to workers in the event of a form I-9
25 inspection and provide additional protections and support for workers
26 and employers.

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

30 (1) "Affected worker" means a worker identified by the federal
31 agency inspection results to be a worker who may lack federal work

1 authorization, or a worker whose federal work authorization documents
2 or form I-9 have been identified by the federal agency inspection
3 results to have deficiencies.

4 (2) "Employ" means to suffer or permit to work.

5 (3) "Employer" means any person, firm, corporation, partnership,
6 business trust, legal representative, or other business entity which
7 engages in any business, industry, profession, or activity in this
8 state and employs one or more workers, and includes the state, any
9 state institution, state agency, political subdivisions of the state,
10 and any municipal corporation or quasi-municipal corporation.

11 (4) "Federal agency" means an agency of the United States
12 government that enforces or aids in enforcing United States federal
13 civil immigration laws or employment eligibility inspections,
14 including but not limited to any person or class of persons
15 authorized to perform the functions of an immigration officer as
16 defined in the immigration and nationality act, without regard to the
17 agency for whom the person is employed. Officials from the United
18 States department of homeland security, department of justice
19 immigrant and employee rights section or its successor, and
20 department of labor are included in this definition when on duty.

21 (5) "Form I-9" refers to the United States citizenship and
22 immigration services employment eligibility verification form used by
23 employers to comply with 8 U.S.C. Sec. 1324a(b) to verify the
24 identity and work authorization of employees or any successor form
25 used by employers for the same purposes under federal law.

26 (6) "Worker" means any person employed by an employer.

27 (7) "Worker records" means documentation that includes a worker's
28 first name or first initial and last name in combination with any one
29 or more of the following data elements: (a) Social security number;
30 (b) driver's license number or Washington identification card number;
31 (c) residential address; (d) student, military, or passport
32 identification number; (e) biometric data generated by automatic
33 measurements of an individual's biological characteristics such as a
34 fingerprint, voiceprint, eye retinas, irises, or other unique
35 biological patterns or characteristics that is used to identify a
36 specific individual; (f) information that includes a geolocation
37 component that could be used to identify a worker's location. "Worker
38 records" also includes documentation that includes the first name or
39 first initial and last name of a family member of a worker in
40 combination with the data elements outlined in this subsection.

1 (8) "Worker's authorized representative" means an exclusive
2 collective bargaining representative.

3 NEW SECTION. **Sec. 3.** (1) By September 1, 2026, the attorney
4 general shall develop and make available on its website the
5 following:

6 (a) A poster for employers to inform workers of the notice
7 requirements in sections 5 and 6 of this act in English and the five
8 most commonly used non-English languages in the state. The poster
9 must include space for an employer to provide information on where
10 they will post notices and otherwise communicate notices required
11 under sections 5 and 6 of this act; and

12 (b) A model notice for employers to use for complying with the
13 notice requirement under section 5 of this act in English and the
14 five most commonly used non-English languages in the state. The model
15 notice must:

16 (i) Include either a template or itemized options, or both, for
17 the employer to identify the following elements without requiring the
18 use of translation services: (A) The name of the federal agency that
19 will be conducting the inspection; (B) the date that the employer
20 received notice of the inspection; and (C) the types of records
21 sought and any other identified purposes of the inspection;

22 (ii) Allow for the employer to include, attach, or otherwise
23 provide a link to a copy of the notice of inspection; and

24 (iii) Include contact information for a statewide organization
25 that provides information and advocacy related to immigrant and
26 refugee rights; and

27 (c) Guidance describing employers' rights to restrict a federal
28 agency from accessing nonpublic areas in a place of labor and from
29 accessing or obtaining certain worker records without a subpoena or
30 judicial warrant, which must be in English and the five most commonly
31 used non-English languages in the state.

32 (2) Through October 1, 2027, the attorney general shall conduct
33 outreach to businesses, employers, and community members to provide
34 information and guidance on the requirements of this chapter.

35 NEW SECTION. **Sec. 4.** Every employer shall post and keep posted,
36 in a conspicuous place or places on the premises of the employer
37 where notices to workers are customarily posted, the poster required
38 under section 3(1)(a) of this act.

1 NEW SECTION. **Sec. 5.** (1) Within five business days of receiving
2 notification from a federal agency of any inspection of I-9 forms and
3 any related worker records, an employer shall provide a written
4 notice to each worker and the worker's authorized representative, if
5 any.

6 (2) The notice under this section must include:

7 (a) A copy of the notice of inspection from the federal agency;
8 and

9 (b) The following information in English and the five most
10 commonly used non-English languages in the state:

11 (i) The name of the federal agency which will be conducting the
12 inspection;

13 (ii) The date that the employer received notice of the
14 inspection;

15 (iii) The types of records sought and the other identified
16 purposes of the inspection to the extent known by the employer; and

17 (iv) Contact information for a statewide organization that
18 provides information and advocacy related to immigrant and refugee
19 rights, which must be identified and approved by the attorney general
20 for purposes of this requirement.

21 (3) An employer may use the model notice under section 3(1)(b) of
22 this act for purposes of subsection (2) of this section. If an
23 employer uses the model notice in accordance with the instructions
24 provided by the attorney general, then the employer has satisfied the
25 requirements of subsection (2) of this section for purposes of any
26 action under section 9 or 10 of this act.

27 (4) The employer shall provide the notice required under this
28 section by:

29 (a) Posting and maintaining the posting through the completion of
30 the inspection in conspicuous places on the premises of the employer
31 where notices to workers are customarily posted; and

32 (b) Transmitting the notice directly to workers using the primary
33 method of communication typically used by the employer, which must
34 include at least one of the following: Hand delivery to the worker;
35 mail with proof of delivery; email with proof of transmission; or
36 text message sent telephonically, which may include a link to a
37 notice maintained on a web page, with proof of transmission.
38 Acceptable forms of proof of transmission or delivery, which are
39 rebuttable include, but are not limited to: Mail with proof of
40 sending; dated electronic transmission; posting with time-stamped

1 photographs; or other reasonable records maintained in the ordinary
2 course of business to demonstrate notice to workers of employment
3 related matters.

4 NEW SECTION. **Sec. 6.** (1) Within five business days of its
5 receipt of a written notice of results of an inspection of I-9 forms
6 and any related worker records by a federal agency, an employer
7 shall:

8 (a) Provide to each affected worker and the worker's authorized
9 representative, if any, a copy of the written notice from the federal
10 agency;

11 (b) Provide to each affected worker and the worker's authorized
12 representative, if any, a written notice of the obligations of the
13 employer and the affected worker arising from the results of the
14 inspection of I-9 forms and any related worker records, which must be
15 written in the language most regularly used to communicate between
16 the employer and the affected worker; and

17 (c) Provide to each affected worker and the worker's authorized
18 representative, if any, the following information, which must be
19 written in the language most regularly used to communicate between
20 the employer and the affected worker:

21 (i) A description of any deficiencies or other items identified
22 in the written immigration inspection results notice related to the
23 affected worker;

24 (ii) The time period for correcting any potential deficiencies
25 identified by the federal agency;

26 (iii) A mutually agreed upon time and date, or options for times
27 and dates, within the allotted correction period, for a meeting with
28 the employer to correct any identified deficiencies; and

29 (iv) Notice that the worker has the right to representation
30 during any meeting scheduled with the employer.

31 (2) The information provided to the worker under this section
32 must relate to the affected worker only. The employer must redact any
33 other workers' personal information as defined in RCW 19.255.005.

34 (3) The employer shall transmit the information required by this
35 section to the affected worker and the worker's authorized
36 representative using the primary method of communication typically
37 used by the employer, which must include at least one of the methods
38 identified under section 5(4)(b) of this act.

1 (4) This section does not modify or limit a collective bargaining
2 agreement requiring shorter time frames for a notice than those
3 provided under this section.

4 NEW SECTION. **Sec. 7.** (1) Employers are not required by law to
5 perform form I-9 self-audits. Any form I-9 self-audit must comply
6 with all applicable federal, state, and local antidiscrimination and
7 antiretaliation laws including, but not limited to: 8 U.S.C. Sec.
8 1324b, 29 U.S.C. Secs. 201-219, 29 U.S.C. Secs. 151-169, 42 U.S.C.
9 Sec. 2000e *et seq.*, chapter 49.60 RCW, and chapter 49.46 RCW. Any
10 form I-9 self-audit must also comply with applicable collective
11 bargaining agreements.

12 (2) An employer may not impose work authorization verification or
13 reverification requirements greater than those required by federal
14 law.

15 NEW SECTION. **Sec. 8.** (1) It is unlawful for an employer to
16 interfere with, restrain, or deny the exercise of any worker's rights
17 provided under or in connection with this chapter. This means an
18 employer may not use a worker's exercise of any of the rights
19 provided under this chapter as a negative factor in any employment
20 action such as evaluation, promotion, or termination, or otherwise
21 subject a worker to discipline for the exercise of any rights
22 provided under this chapter, except that an employer is not
23 prohibited from taking actions required by state or federal law.

24 (2) It is unlawful for an employer to take any adverse action
25 against a worker because the worker has exercised their rights
26 provided under this chapter. Such rights include, but are not limited
27 to: Filing a complaint or action, or instituting or causing to be
28 instituted any proceeding under or related to this chapter;
29 participating in any investigation or proceeding regarding any rights
30 provided under this chapter; or testifying or intending to testify in
31 any such proceeding related to any rights provided under this
32 chapter.

33 (3) "Adverse action" means any action taken or threatened by an
34 employer against a worker for their exercise of rights under this
35 chapter, which may include, but is not limited to:

36 (a) Denying access to, or delaying payment for, minimum wages,
37 agreed or obligated wages, overtime wages, paid sick leave, piece
38 rate compensation, commissions, nondiscretionary compensation or

1 bonuses, all tips and gratuities, and all service charges, except
2 those service charges itemized as not being payable to the worker or
3 workers servicing the customer;

4 (b) Terminating, suspending, demoting, or denying a promotion;

5 (c) Reducing the number of work hours for which the worker is
6 scheduled;

7 (d) Altering the worker's preexisting work schedule;

8 (e) Reducing the worker's rate of pay; or

9 (f) Threatening to take, or taking action, based upon the
10 immigration status of a worker or a worker's family member.

11 NEW SECTION. **Sec. 9.** (1) The attorney general has the authority
12 to:

13 (a) Resolve alleged violations of this chapter through conference
14 and conciliation;

15 (b) Investigate potential violations of this chapter on its own
16 initiative or in response to complaints; and

17 (c) Issue written civil investigative demands for documents, oral
18 testimony, and answers to written interrogatories.

19 (2) Any personal information about a worker or a worker's family
20 member, including names, in a complaint or investigation is
21 confidential and exempt from public inspection, copying, or
22 disclosure under chapter 42.56 RCW.

23 (3) The attorney general may pursue legal action in the name of
24 the state to enjoin violations of this chapter, and obtain actual
25 damages, statutory damages, and any other appropriate relief at law
26 or equity, plus reasonable attorneys' fees and costs.

27 (a) For each violation of a notice requirement in section 5 or 6
28 of this act, the court shall order the employer to pay statutory
29 damages to the attorney general in the amount of \$500 for each
30 instance where the employer failed to provide a notice satisfying the
31 requirements of section 5 or 6 of this act to a worker. The court
32 shall double the statutory damages if it finds that the violation was
33 willful.

34 (b) The court may waive or reduce the statutory damages under
35 this section if the employer's violation was inadvertent, if the
36 violation did not result in actual harm, and if the employer made
37 prompt and good faith efforts to correct the violation.

1 NEW SECTION. **Sec. 10.** (1) A worker, former worker, or a person
2 injured by a violation of this chapter or an organization whose
3 membership includes any such person may bring a private cause of
4 action in superior court to enjoin further violations, recover
5 damages, and seek any other equitable relief or appropriate remedy
6 authorized by state or federal law, plus reasonable attorneys' fees
7 and costs. If the court finds that an employer has violated this
8 chapter, it shall award damages up to and including an amount equal
9 to actual damages, or statutory damages equivalent to 40 times the
10 hourly Washington state minimum wage as defined in RCW 49.46.020 per
11 plaintiff per violation, whichever is greater.

12 (2) In determining the amount of statutory damages to award under
13 this section, the court shall consider all relevant factors
14 including, but not limited to:

15 (a) Whether the violation was committed willfully, knowingly, or
16 intentionally, or whether the violation was inadvertent;

17 (b) Whether the employer made prompt and good faith efforts to
18 correct the violation after learning of it;

19 (c) Whether the violation resulted in actual harm to the
20 plaintiff;

21 (d) Whether the violation is a repeat violation;

22 (e) The size of the employer;

23 (f) The amount necessary to deter future noncompliance;

24 (g) The purposes of this chapter; and

25 (h) Any other factor deemed appropriate by the court.

26 NEW SECTION. **Sec. 11.** This chapter may not be interpreted,
27 construed, or applied to restrict or limit an employer's compliance
28 with a memorandum of understanding governing the use of the federal
29 E-Verify system or with federal law and regulations regarding
30 employers' verification of workers' authorization.

31 NEW SECTION. **Sec. 12.** If any provision of this chapter or its
32 application to any person or circumstance is found to be in conflict
33 with any other federal or state law or otherwise held invalid, the
34 conflicting or invalid provision is inoperative solely to the extent
35 of such conflict or holding and the remainder of the chapter or the
36 application of the provision to other persons or circumstances is not
37 affected. This chapter is not intended to limit or prohibit any
38 employer from complying with any other state or federal law.

1 NEW SECTION. **Sec. 13.** Nothing in this chapter may be construed
2 to limit or affect: (1) The right of any worker to pursue any
3 judicial, administrative, or other action available with respect to
4 an employer; (2) the department of labor and industries' authority to
5 pursue any judicial, administrative, or other action available with
6 respect to a worker; or (3) the department of labor and industries'
7 authority to pursue any judicial, administrative, or other action
8 available with respect to an employer.

9 NEW SECTION. **Sec. 14.** This act may be known and cited as the
10 immigrant worker protection act.

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

13 NEW SECTION. **Sec. 16.** Sections 4 through 10 of this act take
14 effect October 1, 2026.

15 NEW SECTION. **Sec. 17.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2026, in the omnibus appropriations act, this
18 act is null and void."

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ADOPTED 03/05/2026

19 On page 1, line 1 of the title, after "workers;" strike the
20 remainder of the title and insert "adding a new chapter to Title 49
21 RCW; creating a new section; prescribing penalties; and providing an
22 effective date."

--- END ---