

SENATE BILL REPORT

ESHB 1644

As of March 18, 2025

Title: An act relating to the safety and health of working minors.

Brief Description: Concerning the safety and health of working minors.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Fosse, Ortiz-Self, Parshley, Stonier, Taylor, Shavers, Davis, Obras, Macri, Berg, Hill, Street, Berry, Reed, Cortes, Ramel, Thomas, Goodman, Ormsby, Salahuddin, Scott, Gregerson, Thai and Simmons).

Brief History: Passed House: 3/10/25, 60-35.

Committee Activity: Labor & Commerce: 3/18/25.

Brief Summary of Bill

- Establishes minimum penalties for violations of restrictions governing the employment of minors.
- Requires the Department of Labor and Industries (L&I) to conduct a safety and health consultation at a worksite before granting a student-learner variance allowing a minor to perform work typically prohibited based on the minor's age.
- Requires L&I to revoke an employer's minor work permit for certain violations of the Washington Industrial Safety and Health Act or laws pertaining to the employment of minors.
- Expands responsible bidder criteria to include bidders not subject to a revocation of a minor work permit.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jarrett Sacks (786-7448)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Employment of Minors. Both federal and state laws impose restrictions on the employment of persons under the age of 18. The Department of Labor and Industries (L&I) establishes requirements and restrictions on the wages, working hours, and other conditions for the employment of minors in nonagricultural occupations. To employ a minor, an employer must:

- obtain a minor work permit;
- obtain parental and school authorization, if applicable;
- verify the minor's age and comply with any restrictions based on the age; and
- limit the hours worked by the minor, if applicable.

Minors may not perform certain hazardous work, known as prohibited duties. Prohibited duties vary depending on the worker's age. Examples of prohibited duties for minors include:

- roofing;
- operating certain equipment, such as chainsaws, power-driven woodworking machines, or power-driven shearing machines;
- wrecking, demolition, trenching, or excavation;
- operating forklifts;
- handling dangerous pesticides;
- transporting ammonia;
- slaughtering, meat packing, or food processing;
- flagging on public roadways;
- operating boilers;
- firefighting;
- logging; and
- mining.

Minors are allowed to work limited hours compared to adults. The hours vary depending on age, the type of work, and whether school is in session. Minors must also be given more frequent meal and rest breaks, which vary depending on age. Minors under 16 years old must be paid at least 85 percent of the minimum wage, and minors 16 and 17 years old must be paid the minimum wage.

Variances for Minor Work Restrictions. An employer may apply for a variance through L&I, which allows for a temporary exception to the normal work restrictions for minors based on certain criteria. The variances available to employers authorize a minor to:

- work additional hours;
- work earlier or later than usually allowed;
- work additional hours and perform certain prohibited duties as an actor or performer in film, video, audio or theatrical productions; and
- perform otherwise prohibited or hazardous duties for paid worksite learning programs.

The variance to perform prohibited or hazardous duties is known as a student-learner

variance, and it allows individuals ages 16 and 17 to operate selected machinery and do other hazardous activities that would otherwise be prohibited by L&I rule. The work must be done as part of a worksite learning program that is a:

- paid worksite learning program certified and monitored by the Office of the Superintendent of Public Instruction;
- worksite learning program from the student employee's school district;
- course of study in a substantially similar worksite learning program at a private school; or
- worksite learning program registered by the Washington State Apprenticeship and Training Council.

For student-learner variances, the hazardous work must be incidental to the training program, intermittent, and closely supervised by a journey-level worker, qualified instructor, or mentor.

Penalties. For non-agricultural industries, L&I may issue citations and assess penalties if an employer violates a state law or L&I rule on the employment of minors or terms of a minor-related variance. Certain nonserious violations may be abated in lieu of a penalty. Otherwise, the amount of the penalty varies depending on the size of the business and the gravity of the violation. The maximum penalty is \$1,000 for each violation, except for certain nonserious violations involving posting requirements, where the maximum penalty is \$100.

If the employer has committed a serious or repeated violation, the employer is subject to a civil penalty not to exceed \$1,000 for each day the violation continues. A serious violation exists if death or serious physical harm has resulted or is imminent from an existing condition, unless the employer did not know, and could not have known with the exercise of reasonable diligence, of the presence of the violation.

For agricultural industries, L&I may issue a class 1 civil infraction if an employer violates a state law or L&I rule governing the employment of minors. The maximum penalty and the default amount for a class 1 civil infraction is \$250.

If L&I finds that a violation creates a danger where there is a substantial probability that death or serious physical harm could result to a minor employee, L&I may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace.

State law establishes certain criminal penalties for child labor law violations, which apply only to nonagricultural industries. It is a gross misdemeanor if an employer knowingly or recklessly violates requirements, and a class C felony if an employer's practices that violate requirements result in the death or permanent disability of a minor employee.

Responsible Bidder Criteria. A contractor bidding on a public works project must meet

certain criteria, known as responsible bidder criteria, to be awarded a public works contract. To be a responsible bidder, the bidder must:

- be a registered contractor and, if applicable, be appropriately licensed;
- have a current Unified Business Identifier number;
- have, if applicable, industrial insurance coverage, an Employment Security Department number, and a state excise tax registration number;
- not be disqualified from bidding due to previous noncompliance with registration or prevailing wage requirements;
- not have been found out of compliance with apprenticeship requirements, if the project is subject to apprenticeship utilization requirements;
- have received training on public works and prevailing wage; and
- not have been found by L&I or a court to have willfully violated the state's wage payment laws within the three-year period prior to the bid solicitation.

Summary of Bill: Penalties. The authority to impose citations with penalty assessments for violations of laws and rules governing the employment of minors is extended to agricultural industries, creating the same procedures and penalty amounts for both categories.

The penalties for both nonagricultural and agricultural industries are modified based on the type of violation as follows:

- \$100 to \$1,000 for each violation for failing to obtain a minor work permit or parental or school authorization, failing to maintain records, or for other nonserious violations;
- \$150 to \$1,000 for each violation for failing to comply with hours of work requirements;
- \$300 to \$1,000 for each violation for failing to comply with hours of work requirements;
- no less than \$1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for other serious violations, except the civil penalty may be no less than \$2,000 for each violation in a second or subsequent citation for any of these violations;
- no less than \$15,000 for any violation resulting in the serious physical harm of a minor, which may be doubled where the violation is a willful violation or a repeated violation; and
- no less than \$71,000 for any violation resulting in the death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

A first-time citation for failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for other nonserious violations must state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation. L&I may waive or reduce a civil penalty assessed for a first-time nonserious violation if it determines that the employer has taken corrective action to resolve the violation. For each day a serious or repeat violation persists, L&I must impose an additional

civil penalty of a maximum of \$5,000.

Citations and penalty assessments must be given to the highest management official available at the workplace or be mailed to the employer at the workplace. L&I must mail a copy of the citation and penalty assessment to the central personnel office of the employer. Citations must be posted at or near the place where the violation occurred.

When determining penalty amounts, L&I must consider the following factors:

- whether the violation was committed willfully or if the violation was a repeat violation;
- the size of the employer;
- the age of the minor;
- the gravity of the violation;
- the hazards created by the violation;
- the penalties for comparable violations under federal law;
- the penalty amount necessary to deter future noncompliance;
- ensuring the penalty amount is consistent with industrial welfare laws; and
- any other factor warranting an increase in the penalty as deemed appropriate by L&I.

Beginning July 1, 2027, and every two years thereafter, L&I must adjust the penalty amounts for inflation based on the consumer price index for urban wage earners and clerical workers (CPI-W).

The criminal penalties for child labor law violations are modified to apply to violations occurring in agricultural industries. L&I is directed to adopt rules for protecting minors in agricultural industries.

Permit Revocation. L&I must revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

- the employer has been issued a safety and health citation for a serious, willful, repeat, or ongoing violation of WISHA or a citation for a violation of laws or rules governing the employment of minors, where the violation caused serious physical harm or death to a minor; or
- an order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace due to a violation of the laws and rules governing the employment of minors.

Following a revocation, a minor work permit may not be reissued to an employer unless the employer has not been issued a citation for any applicable violations for at least 12 months. These requirements do not prohibit L&I from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or rules.

L&I must include in its annual report to the Governor on its investigations and proceedings:

- the number and type of citations and penalties issued and imposed under the bill;

- the number of and reasons for revocations of minor work permits; and
- the number and nature of workplace injuries involving minors, including whether those injuries resulted in citations or permit revocations under the bill.

Variations. Before granting a student-learner variance allowing a minor to perform work typically prohibited based on the minor's age in either an agricultural or nonagricultural industry, L&I must conduct a safety and health consultation at the worksite, and consult with the employer on the types of tools, equipment, and practices permitted under the variance.

Washington Industrial Safety and Health Act. L&I must make a good faith effort to notify an employer within ten calendar days when L&I immediately identifies a hazard that could cause injury to a minor worker during an inspection conducted under the Washington Industrial Safety and Health Act (WISHA). The notification does not eliminate or modify any other right, responsibility, or authority under WISHA.

Responsible Bidder Criteria. To be considered a responsible bidder for public works contracts, the bidder must, at the time of bid submittal, not be subject to a revocation of a minor work permit under the bill occurring in a nonagricultural industry. The bidder must confirm this in a signed statement submitted before prior to being awarded a public works contract.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2026.

Staff Summary of Public Testimony: PRO: This is a negotiated version of the bill with bipartisan support. Child employment has increased and so has the number of youth injuries at work. The bill ensures students are safe while punishing bad actors. The current laws are outdated. We need to ensure there is accountability and compliance with our child labor laws. This bill allows the state to deter bad actors and protect our most vulnerable workers.

CON: This bill hurts an employer's ability to hire youth and will have a chilling effect on youth employment. The expansion of the responsible bidder criteria is problematic and allows a contractor to lose the ability to bid for minor wage and hour violations. This bill increases the risk of hiring youth and employers will abandon minor work programs. Having to wait for a consultation will also have a chilling effect. There is no reason to single out construction with the expansion of the responsible bidder criteria.

OTHER: Agency staff were present to answer questions from legislative members.

Persons Testifying: PRO: Representative Mary Fosse, Prime Sponsor; Minna Long, Washington State Building & Construction Trades Council; Ray Dumas, OPCMIA Local 528; April Sims, Washington State Labor Council, AFL-CIO; Mike Bridges, Longview/Kelso Building and Construction Trades Council; Justin Bourgault, SMART Local 66; Diana Winther, IBEW Local 48.

CON: Mike Ennis, Building Industry Association of Washington (BIAW); Julia Gorton, Washington Hospitality Association; Carolyn Logue, Associated Builders & Contractors Inland Pacific Chapter; Brandon Houskeeper, Southwest WA Contractors Association / Associated Builders & Contractors - Western WA; Michele Willms, Associated General Contractors of Washington (AGC).

OTHER: Tammy Fellin, Dept. of Labor & Industries.

Persons Signed In To Testify But Not Testifying: No one.